

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**AMY HOLLAND**  
Claimant

**PLATINUM SERVICES**  
Employer

**APPEAL 15A-UI-03567-JCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/01/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 12, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. Telephone hearings were held on April 17, 2015 and April 24, 2015. The claimant participated. Jan Manders and Rachel Peterson testified for the claimant. The employer participated through Angie Gravel, and was represented by Joe Kane, attorney at law. Claimant Exhibits One and Two were admitted. Employer Exhibit One was admitted.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a ticket dispatcher and was separated from employment on February 24, 2015, when she resigned. Continuing work was available.

The claimant began her employment in 2007. In early, 2014, the claimant went to human resources with concerns about her manager, Jim, whom she did not think treated her well. She discussed possible transfer opportunities at that time with co-workers as well. Jim's employment ended shortly after and the claimant had a new manager, Bill Black. During this time, she was moved into an IT ticket dispatcher role. In March, the claimant asked Mr. Black what her position was, because there was a period of uncertainty and transition. Mr. Black responded, things would get better and to give it some time. In June 2014, the claimant began experiencing a rash, she believed due to anxiety. The claimant felt stress and did not feel wanted by her director, whom she believed was manipulative. The claimant did not return to human resources with any concerns again after January 2014. On September 2, 2014, the claimant went out on a leave of absence to address her ongoing medical concerns related to anxiety, depression, and fibromyalgia.

While on leave of absence, the claimant heard through other employees that her personal items had been removed from her desk and her job was going to be eliminated upon return from leave. The claimant sent an email to Ms. Gravel, who investigated (Claimant Exhibit One). The employer sent a cease-and-desist letter to a non-employee about the matter (Claimant Exhibit Two). The employer, through Ms. Gravel, denied having such plans to discharge or lay off the claimant, and did not witness any meeting about removing the claimant from employment. Every few weeks while the claimant was on leave, the employer through Ms. Gravel, would check in on the claimant's health status and expected return to work date. The claimant was released from her doctor's care on February 23, 2015. On February 24, 2015, the claimant resigned via email to Angie Gravel indicating she was still receiving treatment to regulate her medications and how the thought of returning made her panic (Employer Exhibit One). Her resignation letter was not accompanied by any medical documentation urging her to quit her employment or linking the employer to her ongoing medical issues.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Code § 96.5-1-d provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.25(20), (21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the

claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(21) The claimant left because of dissatisfaction with the work environment.

Iowa Admin. Code r. 871-24.25(22) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(22) The claimant left because of a personality conflict with the supervisor.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In this case, the claimant voluntarily resigned upon seeking treatment for her medical conditions related to fibromyalgia, depression and anxiety. At the time of separation, the claimant had been released by her doctor, although they would be regulating her medication. The claimant's physician did not issue documentation indicating the claimant's condition was caused by the workplace or that she needed to quit and seek alternate employment. The claimant made the decision on her own volition.

"Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Fla. App. 1973). The claimant cited ongoing stress as a large factor in her decision to resign. Yet, the claimant also testified that in the past when she had gone to human resources about concerns related to management (as she did with her prior manager, Jim) and about other employees (as she did when she heard rumors about her employment while on leave), the employer immediately addressed them. After January 2014 until she went on her leave of absence, the claimant did not contact the employer about any issues related to transferring, feeling unappreciated or uneasy with the work conditions, or about her manager, Bill Black. Given the stale dates of the other complaints, they are not individually addressed as the claimant acquiesced to them by not raising concerns with her supervisor or quitting earlier when they arose. A claimant with work issues or grievances must make some effort to provide notice to the employer to give the employer an opportunity to work out whatever issues led to the dissatisfaction. Failure to do so precludes the employer from an opportunity to make adjustments which would alleviate the need to quit. Denvy v. Board of Review, 567 Pacific 2d 626 (Utah 1977).

The administrative law judge concludes the claimant voluntarily quit her employment as a result of her dissatisfaction with the work conditions and her management. The claimant did not resign at the recommendation of a treating physician but to address ongoing treatment of a personal illness. While the claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The March 12, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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