

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MARTHA MOSELL

Claimant

APPEAL NO. 08A-UI-01738-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRI STATE INVESTMENTS INC

Employer

**OC: 01-06-08 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 12, 2008, reference 03, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on March 5, 2008. The claimant participated in the hearing. James Tremble, Owner and Louis Orive, Chief Maintenance participated in the hearing on behalf of the employer with Attorney Gary Rolfes.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time inside/outside cleaning lady for Tri State Investments from February 28, 2007 to January 3, 2008. The claimant had an apartment on the property but was moving in with maintenance man Louis Orive and consequently the employer wanted the apartment cleaned and the walls patched. The claimant expected to be paid for cleaning her own apartment but would not communicate directly with the employer/owner, instead using Mr. Orive as a go-between. When Mr. Orive notified the claimant she would not be paid for cleaning her apartment she said she was not going to “work for nothing” and had Mr. Orive return her keys to the employer/owner. The employer never told the claimant she was fired and did have continuing work available for her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant maintains her employment was terminated, the employer/owner never told her she was fired and the claimant refused to communicate with him directly about the situation and returned her keys to the facility. It was not unreasonable for the employer/owner to expect the claimant to clean her own apartment and patch the holes in the walls on her own time just as any tenant would. Under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The February 12, 2008, reference 03, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css