

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIELLE PHILLIPS
Claimant

MAINSTREAM LIVING INC
Employer

APPEAL 18A-UI-03202-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/18/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 5, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment and did not establish she had good cause for quitting that could be attributed to the employer. The parties were properly notified of the hearing. A telephone hearing was held on April 4, 2018. The claimant, Danielle Phillips, participated. The employer, Mainstream Living, Inc., participated through Marcanne Lynch, HR Manager; Tracy Moore, Team Leader; and Traci Miner, Program Coordinator. Employer's Exhibits 1 through 9B were received and admitted into the record.

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: Claimant was employed full-time, most recently as an assistant team lead, from May 20, 2013, until February 19, 2018, when she quit. Claimant sent an email to the employer in the early morning hours of February 19, stating that she was quitting her employment. Claimant stated she felt the employer had harassed her. Claimant cited a specific example of her supervisor driving past her house on one occasion in December. Moore explained that she and claimant live three blocks from one another and she inadvertently drove past claimant's house on her way home. Claimant learned about this incident in January, 2018.

Claimant also quit her job because she disagreed with a write-up she received in January, 2018. Claimant disagreed with some of the allegations included in the write-up, and she did not think that others were fair. She admits that she missed parts of meetings due to her childcare situation, but she did not miss the entire meetings. Additionally, on two occasions, claimant was accused of time card fraud. Claimant was upset that Moore emailed her about this issue instead of raising it with her in-person or via telephone. Continued work was available for claimant, had she not quit her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant separated from employment without good cause attributable to the employer. Benefits are withheld.

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 Admin. Code r. 871-24.25 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.

...

(28) The claimant left after being reprimanded.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). The average employee in claimant's situation would not feel similarly compelled to quit her employment under the circumstances claimant described. 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). Claimant sent a resignation email, left her work property with the employer, and quit her job. Claimant's separation from employment was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The March 5, 2018, (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn