

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEANNA L ROELFS
Claimant

APPEAL NO. 09A-UI-01412-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KEYWAY MANAGEMENT COMPANY LLC
Employer

**OC: 03/09/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated January 23, 2009, reference 04, which denied benefits based upon her separation from Keyway Management Company LLC. After due notice was issued, a hearing was held by telephone on February 17, 2009. Ms. Roelfs participated personally. The employer participated by Ron Dupuy, CEO. Exhibits One and Two were received into evidence.

ISSUE:

At issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from June 2008 until November 11, 2008 as an apartment complex manager. Ms. Roelfs was employed on a full-time basis and was paid by salary. Her immediate supervisor was Ms. Kim Tolander.

Ms. Roelfs left her employment after becoming generally dissatisfied with the nature of the work and the work environment. Although the claimant was aware of the general responsibilities as an apartment manager, she did not anticipate the level of complaints or problems associated with the work. As an apartment complex manager the claimant was required to enforce company rules and was required to deal with angry tenants at times. The claimant was particularly upset at an incident that occurred in October 2008 where a tenant had been overly aggressive and the claimant had called the police. The employer acted reasonably by evicting the tenant. Ms. Roelfs at times received angry or harassing telephone calls from tenants or individuals associated with tenants. Although upset by the calls at times, the claimant did not notify police authorities or the telephone company. Ms. Roelfs had requested her immediate supervisor to have security cameras installed in the office areas; however, the supervisor did not implement the claimant's request. Although Ms. Roelfs was aware that she could go up the chain of command with her request she did not do so.

In an effort to accommodate the claimant's dissatisfaction with the work environment at a complex in Iowa City the company assigned that complex to a different apartment manager. Some duties were added to the claimant's job after the Iowa City complex was removed from Ms. Roelfs' responsibility. Although it appears that the claimant did not relish the additional duties, she remained employed with the company. Shortly before the claimant's resignation from employment her immediate supervisor indicated dissatisfaction with the appearance of a hallway that Ms. Roelfs was to have prepared for inspection. Based upon the urging of family and friends Ms. Roelfs decided to relinquish her position with the company and did so without advance notice.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes the cause attributable to the employer for leaving this employment. It does not.

The evidence in the record establishes that the claimant was generally aware of the nature of the work and the responsibilities of an apartment complex manager when she accepted the position. In the position of an apartment complex manager is not unusual to expect that tenants at times will become angry and that complaints will have to be addressed. When the claimant experienced problems with a particular tenant the employer acted reasonably by evicting the tenant. Telephone complaints are not unusual in property management. The claimant felt that some calls were harassing but she did not notify police or the telephone company to attempt to halt the calls or find the caller. Although Ms. Roelfs was aware that she could go up the company's management chain of command if her immediate supervisor was unresponsive to her needs, she did not do so. The claimant had requested security cameras from her supervisor but did not inform anyone else in the company of her request or the need for them.

The administrative law judge concludes based upon the totality of the evidence in the record that the claimant's primary reason for leaving her employment on November 11, 2008 was her dissatisfaction with her supervisor's comments regarding the cleanliness of a hallway area that Ms. Roelfs was to have ready for inspection. The evidence also establishes that the claimant had been urged by family and friends to leave this employment. The claimant therefore relinquished her position with the company by telephone without advanced notice on November 11, 2008.

871 IAC 24.25(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 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:

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

For the reasons stated herein the administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated January 23, 2009, reference 04, is affirmed. The claimant voluntarily quit for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times claimant's weekly benefit amount, providing that she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

css/css