

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY G OPPERMAN
Claimant

APPEAL NO. 13A-UI-11132-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRANSAMERICA LIFE INSURANCE
Employer

OC: 09/01/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 25, 2013, (reference 01) unemployment insurance decision that denied benefits. After due notice was issued a hearing was held on October 24 2013. Claimant participated. Employer participated through Brianna Kwit, Human Resources Generalist and was represented by Marcy Schneider of Talx UCM Services Inc.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a senior customer service representative beginning on August 28, 2006 through September 6, 2013 when she voluntary quit. The claimant's next door neighbor in her condominium building, Angela also worked for the employer. To say that the claimant and Angela did not get along would be an understatement. Their history included a car accident and numerous calls to the local police by each of them. The claimant alleged that Angela was spreading inaccurate gossip about her at work. When the claimant made a complaint to the employer's human resources department, the physical threat team investigated. The claimant simply could not get along with Angela despite the fact that they worked in different departments, on different floors and were not required to work together. Their problems stemmed from their personal confrontations off work time where they both live. The claimant complained that Angela would "stare her down" in the cafeteria and would say mean things about her to others.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

871 IAC 24.25(6) 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:

(6) The claimant left as a result of an inability to work with other employees.

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).

The claimant simply could not get along with Angela. Their problems stemmed from the fact that they lived next door to each other in their condominium building. The employer addressed each and every complaint of the claimant. The employer is not required to solve each individual's personal problems with their neighbors in order to provide a suitable work environment. Under these circumstances her leaving while it may have been for good personal reasons, was without good cause attributable to the employer and benefits are denied.

DECISION:

The September 25, 2013, (reference 01) 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs