

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELISSA A EBEN
Claimant

LE MARS LODGING LLC
Employer

APPEAL 17A-UI-06722-NM-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/11/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(21) – Work Environment
Iowa Admin. Code r. 871-24.25(22) – Personality Conflict with Supervisor

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 30, 2017, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on July 20, 2017. The claimant participated and testified. The employer participated through Area Manager Henry Byl and General Manager Denise Temple. Support Manager Cammy Hauswirth was also present on behalf of the employer but did not testify.

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 as a front desk/housekeeping/laundry worker from March 1, 2017, until this employment ended on June 9, 2017, when she voluntarily quit.

On June 8, 2017, claimant and another employee were filling the housekeeping cart. Two of the executive housekeepers came in and commented that they should not need to be doing that, because it had been done the day before. Claimant and her coworker stated that was not the case and the conversation went downhill from there. Later than day claimant's supervisor, Temple, commented she just could not believe the housekeeping cart would have needed to be filled. Claimant and the other employee felt like Temple was calling them liars and a disagreement began. The other employee quit that day.

The following day, June 9, claimant spoke to Byl about the incident on June 8 and about a directive Temple had given her about folding towels. Following their conversation Byl spoke with Temple. Temple then called claimant into her office to talk about what had occurred and the two again began arguing. Following this argument, claimant resigned. Claimant testified

she quit because she found Temple's management to be degrading and the work environment to be hostile. Claimant also indicated she was upset she had been scheduled for fewer hours the week beginning June 8, but that if the work environment were better she would not have quit on this basis. Had claimant not resigned, work would have continued to be available to her.

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 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.

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:

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

...

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

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). 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 resigned on June 9, 2017 following a disagreement with her supervisor. Claimant testified she felt she could no longer work for the employer because she found her supervisor to be degrading and the work environment to be hostile. Though claimant and her supervisor certainly did not get along at the time of her separation, she has not established that the working conditions were so intolerable that the average person would resign. While claimant's leaving 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 June 30, 2017, (reference 01) unemployment insurance 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.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs