

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CYNTHIA MEAD
Claimant

APPEAL NO: 16R-UI-12862-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BLUE MONDE LLC
Employer

OC: 09/18/16
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 3, 2016, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 21, 2016. The claimant participated in the hearing. Dana Goodwin, Human Resources Manager; Dan Schons, Vice-President of Finance and Operations; Joe Straka, Director of Operations; and Brenda Merritt, Warehouse Manager; participated in the hearing on behalf of the employer.

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 accounts supervisor for Blue Monde from October 5, 2015 to September 19, 2016. She voluntarily left her employment due to dissatisfaction with the work environment.

The claimant cited two reasons for her decision to voluntarily leave her employment. The first involved an incident that occurred September 13, 2016, when co-worker Diana Newman needed assistance and was looking for Accounts Supervisor Tiffany Winters. Ms. Newman could not find Ms. Winters and asked the claimant how to handle the situation with which she was having difficulty. Ms. Winters arrived and suggested a solution to Ms. Newman's problem and then paused at which time the claimant opined that the employer could hire some temporary employees. Ms. Winters then said, "I dare you to cut me off again." The claimant was upset by her comment and left at that time. She then called in sick September 14 through September 17, 2016. The claimant called in sick September 19, 2016, and had a doctor's appointment scheduled September 20, 2016. She had also requested time off September 21, 2016, for a doctor appointment approximately two weeks earlier and her request had been granted but on September 18, 2016, the claimant received a notification that her time off request for September 21, 2016, was being revoked. The claimant believed the notification came from

Director of Operations Joe Straka. Mr. Straka denies sending the claimant a notification that her time off request for September 21, 2016, was revoked. The claimant decided to quit after receiving the notification. The claimant went in to the office September 19, 2016, and cleaned her desk out and told a maintenance employee she was quitting effective immediately. She sent an email to the employer September 20, 2016, notifying it she voluntarily quit her job.

The claimant had complained to the employer and the owner about Warehouse Manager Brenda Merritt on August 26, 2016. The owner sent the claimant's complaint to Human Resources and Human Resources Manager Dana Goodwin met with the claimant and Ms. Merritt August 29, 2016. It was Ms. Goodwin's impression the claimant wanted more recognition for a project she worked on. The claimant did not express any concerns to the employer about Ms. Winters actions September 13, 2016, or her belief that Mr. Straka revoked her time off for September 21, 2016, before voluntarily leaving her employment.

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 § 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.

The claimant became upset when Ms. Winters told her not to cut her off again September 13, 2016, and subsequently called in sick from September 14, 2016, through September 20, 2016, the day she told a maintenance employee she was quitting effective immediately. If the claimant was that upset by Ms. Winters' statement that it kept her off work for several days, she should have brought her concerns to the employer's attention. Instead, she left work and called in sick until she quit her job without talking to the employer about the issue. While Ms. Winters certainly could have spoken to the claimant in a more appropriate manner, her comment did not create an intolerable or detrimental working condition.

The claimant cited the notification she received stating her time off request for September 21, 2016, was revoked as the last straw that caused her to quit her job. The claimant believed Mr. Straka sent her the notification but he credibly denied doing so and stated there was no problem with the claimant taking September 21, 2016, off. Again, had the claimant talked to the employer about the situation and learned the facts about her time off request before simply deciding to quit her job the separation may have been avoided.

Under these circumstances the administrative law judge must conclude the claimant has not demonstrated that her leaving was for unlawful, intolerable, or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The October 3, 2016, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/rvs