

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILMA A. GARNER**  
Claimant

**APPEAL NO. 09A-UI-07910-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FLOYD VALLEY HOSPITAL**  
Employer

**OC: 04/26/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 21, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 25, 2009. Claimant participated. Claimant was represented by Jim Bybee, attorney at law. Employer participated by Mary Helen McMannis, Human Resources Manager, and Kathy Massey, Dietary Supervisor. The record consists of the testimony of Wilma Garner; the testimony of Michelle Garner; the testimony of Mary Helen McMannis; and the testimony of Kathy Massey.

**ISSUE:**

Whether the claimant voluntarily quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked as a cook for the employer. The employer is a hospital in LeMars, Iowa. The claimant initially began her employment on April 4, 2006. The claimant's supervisor was Kathy Massey.

On October 27, 2008, and November 7, 2008, there were exchanges between the claimant and Ms. Massey that the claimant perceived as humiliating. She took her concerns to the human resources manager on November 10, 2008. Ms. McGinnis did an investigation and a meeting was held on either November 24, 2008 or November 25, 2008, between Ms. McGinnis, the claimant and Ms. Massey. At the meeting, the claimant and Ms. Massey both gave their versions of events and Ms. McGinnis provided some advice on how to deal with situations that might come up. Ms. Massey apologized to the claimant and acknowledged that she had not handled one problem in the optimal manner. The claimant accepted the apology.

The claimant then came to Ms. McGinnis in mid March 2009 as she was concerned about her hours. The patient population was down and there was not enough work available to keep all employees working full time. The claimant's hours had been reduced as had those of other employees. The claimant became increasingly unhappy at work and was experiencing crying spells and heart palpitations that would come on at work and stop when she got home. On April 6, 2009, the claimant left a note for Ms. Massey indicating that she would be quitting on June 20, 2009.

The claimant changed her mind about quitting and indicated that she would like to stay on. Ms. Massey told the claimant that another individual had been offered the job and that if that individual accepted the offer, there was nothing available for her. On April 28, 2009, the claimant left the workplace and left a note with the head cook saying that she quit.

### **REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(21), (22) 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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The claimant testified that she quit her job because she felt that she was being constantly humiliated and embarrassed by her supervisor, Kathy Massey. She started having crying spells and heart palpitations and was worried that she was going to have a heart attack. When asked to define "constantly", she said that at least once a week Kathy Massey would criticize her for something and the claimant felt she was being called out for things that were not even her responsibility. The claimant did take her concerns to Ms. McGinnis and that led to a meeting to sort out differences. That meeting occurred in late November 2008. Thereafter the claimant did

not return to Ms. McGinnis and did not utilize the formal grievance process even though she claims the problems with Ms. Massey continued.

The claimant was obviously unhappy with her working situation and in particular about the number of hours she was working. Although the claimant believed her reduction in hours was due to retaliation, there is no evidence that the claimant's hours were reduced due to her complaints about Ms. Massey. The claimant also did not like working for Ms. Massey and felt unjustly and unduly criticized.

Iowa law is clear that dissatisfaction with the working environment and personality conflicts with a supervisor do not constitute good cause attributable to the employer. The claimant had, in her mind, good reasons for quitting her job. She intended to sever the employment relationship and did so by walking off the job on April 28, 2009 and leaving a note saying that she quit. As the claimant voluntarily quit without good cause attributable to the employer, benefits are denied.

**DECISION:**

The decision of the representative dated May 21, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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