IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

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

PAMELA S JOHNSON
Claimant

BROADLAWNS MEDICAL CENTER
Employer

APPEAL NO: 07A-UI-07183-DT

ADMINISTRATIVE LAW JUDGE DECISION

OC: 06/24/07 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Pamela S. Johnson (claimant) appealed a representative's July 18, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Broadlawns Medical Center (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 17, 2007. The claimant participated in the hearing and presented testimony from one other witness, Sadina Maconovich. Rick Barrett appeared on the employer's behalf and presented testimony from two other witnesses, Thien Tran and Cookie Formaro. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on September 24, 2001. She worked full time as an environmental services technician in the employer's medical center. Her last day of work was June 12, 2007. She voluntarily quit on June 15, 2007.

On June 7 there had been a funeral at 1:00 p.m. for a former coworker that all of the members of the staff attended. The two supervisors, Mr. Tran and Ms. Formaro, believed that it had been understood by all staff that everyone would leave at about 12:30 p.m. and then return to work after the funeral. Prior to 12:30 p.m., the claimant had inquired if she could leave at about 12:20 p.m. and had been told no, and Ms. Maconovich, another technician, asked if she could just go home after the funeral because she had come in early and had been told no. They both complied and there was no further incident on that day.

The following week on the morning of June 11 the two supervisors summoned the two technicians to meet with them. They wished to discuss what they felt were the inappropriate requests the two technicians had made on June 7. There was also a concern whether one or

both of them had been where they were supposed to be doing the necessary work up until the time to leave for the funeral or whether they were wasting time prior to leaving. As the meeting progressed, more of the focus was on Ms. Maconovich. The claimant became upset that she was even in the meeting when it was not really concerning her, and felt it was inappropriate that she was being made to listen in on the discussion regarding Ms. Maconovich. Also, during the meeting Ms. Maconovich commented to Mr. Tran that he had a "frozen heart" regarding the employees' focus on the coworker's funeral, to which he replied that the two technicians were being selfish, and that he had done more for the coworker through the final illness than both of the two technicians together. The claimant felt very hurt and insulted by this comment. When she voiced her thoughts, Mr. Tran responded that she was guided more by her feelings and he was guided more by facts, which only made her feel more hurt and insulted. The meeting ended within approximately an hour; near the end Mr. Tran apologized to the claimant for upsetting her. The claimant then went about her duties for the rest of the day.

She reported and worked her normal duties the next day, June 12, leaving about two hours early for previously arranged personal business. The next day she had also previously requested and had been granted personal time off, which her supervisors also understood was for some prior pending personal business. On June 14 she called in another day of absence, speaking to Ms. Formaro; she did not indicate any particular problem to Ms. Formaro, who assumed that the personal business was simply taking more time that anticipated.

The claimant was not scheduled to work on June 15, but she called in that day and spoke to the employer's human resources director; she told the director that she was resigning, that she was too upset with Mr. Tran and Ms. Formaro because of the June 11 meeting to continue to work with them.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for 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 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (23). Quitting because a reprimand has been given is not good

cause. 871 IAC 24.25(28). While the claimant's work situation was perhaps not ideal, she has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's July 18, 2007 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of July 18, 2007, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner
Administrative Law Judge

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Decision Dated and Mailed

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