

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**CHRISTINE K JOSHUA
2913 – 51ST ST
DES MOINES IA 50310-1618**

**IA STUDENT LOAN LIQUIDITY CORP
ASHFORD I BLDG
6805 VISTA DR
WEST DES MOINES IA 50266-9307**

**Appeal Number: 06A-UI-08098-JTT
OC: 07/16/06 R: 02
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Christine Joshua filed a timely appeal from the August 3, 2006, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 28, 2006. Ms. Joshua participated. Human Resources Assistant Terri Crise represented the employer and presented additional testimony through Private Loan Processing Department Supervisor Jackie Loutsch and Loan Origination Manager Deb Ryan-Purcell. Employer's Exhibit One was received into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Christine Joshua was employed by Iowa Student Loan Liquidity Corporation on a full-time basis from April 12, 1989 until July 13, 2006, when she quit. At the time of the quit, Ms. Joshua had been

a Student Loan Processor for eight or nine years. Ms. Joshua's immediate supervisor was Private Loan Processing Department Supervisor Jackie Loutsch.

Several factors contributed to Ms. Joshua's decision to quit the employment. The final straw occurred on July 13, 2006, when a temporary employee told Ms. Joshua he was no longer allowed to talk to her because his work production and Ms. Joshua's work production was low. Ms. Loutsch had observed the temporary employee at Ms. Joshua's workstation on multiple occasions, believed the two employees were spending too much time conversing and had called the temporary employee into her office. Ms. Loutsch reminded the temporary employee that he and Ms. Joshua were there to work, reminded him that it was the employer's busy season, and advised that his frequent visits to Ms. Joshua's desk could negatively impact production. Ms. Loutsch had not in fact forbidden the temporary employee from speaking with Ms. Joshua. Nor had Ms. Loutsch indicated that Ms. Joshua's work production was low.

The additional factors that contributed to the quit were as follows. In December 2005 and again in spring 2006, Ms. Loutsch had mentioned to Ms. Joshua that Ms. Joshua did not appear to be happy in her position. Ms. Loutsch reminded Ms. Joshua that there might be positions available in other departments that she might enjoy more. Ms. Joshua perceived Ms. Loutsch's comments as an invitation to leave the employment. Ms. Joshua was also concerned that a position she was interested in pursuing had not been posted, but was instead offered to a coworker who had only been with the agency for six months. Ms. Joshua was also concerned that she was reassigned a workspace nearer Ms. Loutsch. The reassignment had been prompted by expansion in a neighboring department. Ms. Joshua was also concerned about a reprimand she had received from Ms. Loutsch a few months prior to the quit. Ms. Loutsch had warned Ms. Joshua that she needed to decrease the number of errors she made in entering data into the employer's database. Ms. Joshua was able thereafter to comply with the employer's expectations. Ms. Joshua found Ms. Loutsch intimidating, but had not been subjected to any specific mistreatment by Ms. Loutsch.

Ms. Joshua submitted her resignation by e-mail. After Ms. Loutsch received the e-mail message, she met with Ms. Joshua to ask why she was leaving the employment and whether it had something to do with Ms. Loutsch. At that time, Ms. Joshua indicated her departure was for personal reasons relating to need to care for a child and not based on Ms. Loutsch. Ms. Joshua also met with Loan Origination Manager Deb Ryan-Purcell and again referenced the need to care for a child.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Joshua's voluntary quit was for good cause attributable to the employer. It does not.

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.

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.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

Quits prompted by dissatisfaction with the work environment, a personality conflict with a supervisor, or the need to tend to family responsibilities are presumed to be without good cause attributable to the employer. See 871 IAC 24.25(21), (22) and (28).

The evidence in the record fails to indicate intolerable or detrimental working conditions that would have prompted a reasonable person to quit the employment. The greater weight of the evidence indicates that Ms. Joshua quit the employment due to dissatisfaction with the work environment and the need to tend to family responsibilities. Neither reason would constitute good cause attributable to the employer.

Based on the evidence in the record and application of the appropriate law, the administrative law judge concludes that Ms. Joshua voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Joshua is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Joshua.

DECISION:

The Agency representative's August 3, 2006, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in a been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

jt/cs