

**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**

**JOETTA T GOETTSCH
2509 GLENN ST
BETTENDORF IA 52722**

**IOC SERVICES
1641 POPPS FERRY RD #B1
BILOXI MS 39532-2226**

**Appeal Number: 04A-UI-06650-CT
OC: 05/23/04 R: 04
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:

Joetta Goettsch filed an appeal from a representative's decision dated June 10, 2004, reference 01, which denied benefits based on her separation from IOC Services (IOC). After due notice was issued, a hearing was held by telephone on July 14, 2004. Ms. Goettsch participated personally and offered additional testimony from Elizabeth Herbert and Skip Saldivar. The employer participated by Troy Kruse, Director of Human Resources; Scott Clark, Food and Beverage Manager; and Linda Desper, Banquet Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Goettsch was employed by IOC from April 1, 1999 until April 23, 2004. She was last employed full time as a banquet supervisor. She advised Troy Kruse that she was quitting for medical reasons and because of conflicts with her supervisor, Linda Desper. Ms. Goettsch had spoken to Mr. Kruse on April 19 and advised him that she felt Ms. Desper was picking on her. Mr. Kruse had spoken to others in the department regarding the complaints and was prepared to discuss his findings with Ms. Goettsch on April 23 when she gave notice that she was quitting. He told her that he was prepared to address her complaints and asked if she was sure she wanted to quit. Ms. Goettsch confirmed her intent to voluntarily quit.

Ms. Desper was given the position of banquet manager in January of 2004. Ms. Goettsch felt that she was constantly following her around and criticizing her work. Ms. Desper instituted a number of changes in the work procedures and would advise Ms. Goettsch when she was performing in a manner that was inconsistent with the new procedures. She never disciplined Ms. Goettsch for failing to perform under the new standards. Ms. Goettsch was on medical leave from February 13 through April 5, 2004. There were additional changes implemented during her absence and Ms. Desper did not advise her of the changes until she did something using the old procedures.

During her medical leave, the employer decided to change certain employees from hourly to salaried, Ms. Goettsch among them. As a salaried individual, she would not have received overtime pay. She learned of this change on or about April 5, 2004 but did not quit at that point. Ms. Goettsch was in contact with her doctor on May 1, 2004 and was advised to leave the employment because of stress. The doctor did not give her anything in writing to confirm this and she never told the employer that she had been advised by her doctor to quit. Ms. Goettsch never notified the employer that there were work-related problems that might cause her to quit if not corrected.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Goettsch was separated from employment for any disqualifying reason. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code Section 96.5(1). Ms. Goettsch had the burden of proving that her quit was for good cause attributable to the employer. Iowa Code Section 96.6(2). She quit because of conflicts with her supervisor. Their conflict was not openly hostile. Ms. Goettsch was unhappy with the manner in which Ms. Desper monitored her work and reminded her of changes in procedures. The employer was looking into the matter and attempting to resolve the issue when Ms. Goettsch quit. She had not put the employer on notice of her intent to quit because of work-related problems. Because she did not give the employer a fair and reasonable opportunity to correct the problem before quitting, the problems with Ms. Desper did not constitute good cause for quitting. Ms. Desper's conduct, as described by Ms. Goettsch, was not so outrageous as to warrant quitting without first giving the employer the benefit of an opportunity to try to correct the problem.

The administrative law judge appreciates that Ms. Goettsch may have suffered a loss of pay when she was switched from hourly to salaried. However, she failed to give notice that she would quit if not restored to her hourly status. Therefore, she deprived the employer of the

opportunity to consider returning her to hourly status. It is true that Ms. Goettsch's doctor may have advised her to leave the employment because of stress. However, the problems, which caused the stress, and consequently the advice to leave, were problems the employer had no fair opportunity to resolve so as to eliminate the stress and the need to quit.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Ms. Goettsch has failed to satisfy her burden of proving that she had good cause attributable to the employer for quitting. Accordingly, benefits are denied.

DECISION:

The representative's decision dated June 10, 2004, reference 01, is hereby affirmed. Ms. Goettsch voluntarily quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjf