

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JILL SIMPSON
Claimant

VANTEC INC
Employer

APPEAL 17A-UI-04446-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/02/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(21) – Quit Due to Dissatisfaction with Work Environment
Iowa Admin. Code r. 871-24.25(22) – Quit Due to Personality Conflict with Supervisor
Iowa Admin. Code r. 871-24.25(37) – Quit When Resignation was Delivered and Accepted

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 18, 2017 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit work because she did not like the work environment. The parties were properly notified of the hearing. A telephone hearing was held on May 16, 2017. The claimant, Jill Simpson, sent in correspondence to the Appeals Bureau stating she did not want to participate in the appeal hearing. However, she had also submitted a typed response to the fact-finding decision, which the administrative law judge determined was an effort to participate in the appeal hearing through documentation. The employer, Vantec, Inc., participated through Joan Kennedy, HR Manager; Sherri Holtzler, President/CEO; Jim Venes, Quality Manager; and Matt Carver, Operations Manager; and Rose Foxwell of Aureon represented the employer. Claimant's Exhibit A and Employer's Exhibit 1 were received and admitted into the record.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a documentation specialist, from January 18, 2016, until April 13, 2017, when she voluntarily resigned from employment. During a one-on-one meeting on March 27, 2017, claimant verbally resigned to Holtzler. She later followed up and submitted an email resignation. Claimant last reported to work on April 4, 2017. However, the employer paid her through April 13, the date she wanted her employment to end. Continued work was available, had claimant not resigned.

During the hearing, Holtzler read from notes she took during the March 27 meeting. Claimant reported that she had "checked out" and felt she was not helping and was not making a difference. Claimant also objected to feeling like her supervisor's secretary. The written documentation that claimant submitted states she felt she was treated unfairly by management.

(Exhibit A) She did not give specific examples of this unfair treatment. She also states that she does not believe her supervisor was qualified for his position. During the fact-finding interview, claimant stated that Venes laughed about her unhappiness at work. (Exhibit 1) It appears, based on the documentation provided, that claimant also had stress-induced shingles during her employment. (Exhibit 1) Claimant's text messages show this occurred in July 2016. There is no evidence that claimant's doctor definitively sourced the shingles to claimant's stress at work or instructed her to leave her employment because of this diagnosis.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was without good cause attributable to the employer. Benefits are withheld.

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.

Iowa Admin. Code r. 871-24.25 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.

...

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Here, the average employee in claimant's situation would not have felt similarly compelled to quit her job without first locating alternate employment. A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant submitted both a verbal and a written resignation, and this

resignation was accepted by the employer. Claimant's decision to end her employment was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The April 18, 2017 (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn