

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALICIA N RAMSDEN
Claimant

APPEAL NO. 24A-UI-00106-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LINN COUNTY HISTORICAL SOCIETY
Employer

**OC: 12/03/23
Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On January 2, 2024, Alicia Ramsden (claimant) filed a timely appeal from the December 21, 2023 (reference 01) decision that disqualified her for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that Ms. Ramsden voluntarily quit on November 27, 2023 without good cause attributable to the employer. After due notice was issued, a hearing was held on January 22, 2024. Ms. Ramsden participated. Attorney Jordan Esbrook represented the employer and presented testimony through Jason Wright, Margaret Eichhorn, Jenny Thielman and Tara Templeman. Exhibits 1 through 6, A and B were received into evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Alicia Ramsden (claimant) was employed by Linn County Historical Society as the full-time Administrative Coordinator from 2019 until November 27, 2023, when she voluntarily quit.

Throughout the employment, Jason Wright, Executive Director, was Ms. Ramsden's immediate supervisor.

The agency operates with a 17-member board of directors. The board of directors includes an executive committee consisting of the board president, vice president, treasurer and secretary.

Ms. Ramsden's duties were as follows. Ms. Ramsden was responsible for overseeing museum operations, including gift store operations, when the museum was open to the public. The museum was open to the public from noon to 4:00 p.m. on Tuesdays and Fridays. Ms. Ramsden was responsible for supervising three part-time staff and for coordinating volunteers. Ms. Ramsden's duties included advertising, public relations, processing gifts, and

issuing gift contribution letters to donors. Ms. Ramsden was responsible for accurately documenting daily revenue, for securing daily revenue in the agency's safe in a daily revenue envelope with a daily point of sale (POS) transaction record affixed, and for making bank deposits at least once per week. Mr. Wright and Ms. Ramsden were the only two people with access to the agency's safe. The safe was locked except in those moments when Ms. Ramsden or Mr. Wright accessed it.

Ms. Ramsden's sudden departure from the employment occurred in the context of the employer's investigation of cash handling irregularities. On November 17, 2023, Mr. Wright and the agency's bookkeeper, Margaret Eichhorn, met with Ms. Ramsden to discuss a \$92.00 cash shortage related to October 2023 transactions. The POS transaction receipts for October 2023 indicated there should be \$92.00 more cash revenue than indicated in the bank deposits for that month. Ms. Ramsden was unable to account for the shortage. Ms. Ramsden had not brought the discrepancy to the employer's attention. Ms. Eichhorn discovered the discrepancy when she performed the monthly audit.

On November 21, 2023, Mr. Wright discovered two large undeposited checks in the safe and took them to the bank to be deposited.

By this point in Ms. Ramsden's employment, Mr. Wright was unsure whether and when Ms. Ramsden was performing work on behalf of the agency. Ms. Ramsden often elected to work from home and had ceased keeping regular business hours at the employer's facility. Ms. Ramsden last performed work at the employer's facility on Friday, November 24, 2023.

On November 24, 2023, a volunteer at the museum's front desk summoned Ms. Ramsden to assist with a member whose membership had expired and who was upset by the prospect of having to pay the entrance fee to access the museum. Ms. Ramsden recognized the upset patron as a member of the board of directors. Ms. Ramsden de-escalated the interaction and calmly resolved it in favor of the board member. The board member praised Ms. Ramsden's handling of the matter. Ms. Ramsden alleges that the board member's praise included the statement that Ms. Ramsden was "soft-spoken for a black." Ms. Ramsden is African American. When Ms. Ramsden spoke to Mr. Wright about the incident later that day, she made no mention of a comment about her color or race. If she had mentioned such a comment, Mr. Wright would have documented the incident and would have promptly reported it to the executive committee for further action. Ms. Ramsden asserts not only did she mention the racial comment to Mr. Wright, but also that Mr. Wright responded in a non-satisfactory manner by stating he could not control what other people state. Ms. Ramsden inaccurately asserts that there was no one else she could report her concern to after receiving an unsatisfactory response from Mr. Wright. Rather, the employer's harassment policy invited Ms. Ramsden to take her concern to the executive committee, which Ms. Ramsden did not do. The weight of the evidence indicates there was no racial comment on November 24, 2023 and no report of a racial comment.

The employer has a harassment policy that is set forth at page 8 of the employee handbook. The employer provided the handbook to Ms. Ramsden and had her acknowledge receipt at the start of the employment. Though Ms. Ramsden worked for the employer for four years, supervised employees and volunteers throughout her tenure, and was charged with enforcing the employer's policies, Ms. Ramsden alleges that she was unaware of the harassment policy. Ms. Ramsden exaggerates the number of pages in the handbook as 100 when she offers this as an excuse for her alleged failure to review the harassment policy.

The policy prohibits harassment and discrimination, including harassment based on race or color. The policy includes a reporting procedure as follows:

Reporting Procedures

Employees should immediately report any incident that they believe to be discrimination or harassment to your immediate supervisor, the Executive Director, or any member of the Executive Committee of the Board of Directors.

The employer's harassment policy calls for prompt investigation of harassment and discrimination complaints as follows:

Investigation

Complaints of discrimination or harassment will be promptly investigated as impartially and confidentially as possible. At the conclusion of the investigation, we will advise the complaining employee of the result of the investigation and the disciplinary action to be taken, if any. Employees should feel free to raise questions, comments, concerns and/or complaints without fear of retaliation.

The policy ends with the following statement in bold text:

**If you believe you have been harassed, immediately report it to your supervisor.
If you are being harassed by the Executive Director, you should report this to a
member of the Executive Committee of the Board of Directors.**

Ms. Ramsden alleges that after the interaction with the board member on November 24, 2023, it was no longer safe for her to remain in the employment. However, there was no reasonable basis for Ms. Ramsden to conclude the workplace or the employment were unsafe.

On Sunday, November 26, 2023, Ms. Ramsden went to the workplace and left her employer-issued notebook computer on a desk in an office. Ms. Ramsden left her work keys in a mailbox by the front door. Though Ms. Ramsden asserts she left a resignation letter with the notebook computer, the employer found no such letter when the employer discovered the computer. Ms. Ramsden did not leave a resignation letter for the employer.

On November 27, 2023, Ms. Ramsden did not report for work. Mr. Wright called Ms. Ramsden's number. Ms. Ramsden did not respond. Mr. Wright left a message asking Ms. Ramsden to report to the office. Mr. Wright discovered that Ms. Ramsden had not mailed any of the outgoing mail from the previous week.

Within a couple days of Ms. Ramsden's sudden departure, Mr. Wright and Ms. Eichhorn discovered that a substantial amount of cash was missing from the safe. Ms. Eichhorn discovered that additional petty cash funds were also missing. The employer made a criminal complaint, but the investigating officer concluded there was insufficient evidence to refer the matter for prosecution, meaning insufficient evidence to prove beyond a reasonable doubt that Ms. Ramsden had taken the money.

Ms. Ramsden alleges that during a June 2021 strategic planning meeting facilitated by a third-party facilitator, that she told the facilitator that she had been the victim of a harassing statement uttered by a board member. Ms. Ramsden alleges she told the facilitator that, following a presentation by Ms. Ramsden, a board member had complimented Ms. Ramsden by stating she was "well-spoken for a black gal." Ms. Ramsden made no complaint to the employer. The employer did not learn of this stale allegation until after Ms. Ramsden quit. The employer has since followed up with the facilitator, who denies that Ms. Rasmussen made any such statement to the facilitator. The weight of the evidence indicates there was no racial comment in 2021 and no report of a racial comment in 2021.

Ms. Ramsden alleges that on September 24, 2023, Mr. Wright publicly berated her for an error in the annual meeting agenda. Jenny Thielman, Program Manager, was present for the interaction.

Mr. Wright did not berate Ms. Ramsden. Mr. Wright merely asked Ms. Ramsden to correct a misstatement in the meeting agenda and acknowledged that he was responsible for the mistake.

Ms. Ramsden alleges mistreatment throughout the employment, but the weight of the evidence indicates there was none.

In addition to the allegations referenced above, Ms. Ramsden alleges that the employer breached her confidentiality by speaking to staff about a person family matter. The employer did not breach Ms. Ramsden's confidentiality. Toward the end of the employment, Ms. Ramsden was frequently absent in connection with a personal family matter. Ms. Ramsden granted Mr. Wright permission to share information with staff regarding the circumstances of the absences. The employer shared only what Ms. Ramsden had authorized.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 for good cause attributable to the employer. See Iowa Admin. Code r. 87124.26(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 due to unsafe working conditions are deemed for good cause attributable to the employer. See Iowa Admin. Code r. 87124.26(2).

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The weight of the evidence in the record establishes a voluntary quit without good cause attributable to the employer. The evidence simply does not support Ms. Ramsden's allegations of mistreatment, including the allegations of race-based harassment. Harassment of any kind is a serious matter. This includes harassment in the context of employment and certainly includes race-based or color-based harassment and discrimination. But Ms. Ramsden's allegations just do not add up. They appear instead to be an effort to distract from the serious matter of the financial irregularities being investigated at the time Ms. Ramsden abruptly exited the employment. The preponderance of the evidence points to Ms. Ramsden as the party responsible for those financial irregularities. The employer had in place a simple, straightforward policy and procedure for promptly and fairly addressing complaints of workplace harassment. Ms. Ramsden's implausible assertion that she was unaware of the policy, and her excuses for not following the established policy, are not credible. Ms. Ramsden's testimony included implausible assertions, exaggerations, mischaracterizations, and fabrications. There was no racial comment from a board member and no report of a racial comment from a board member in either 2021 or on November 24, 2023. Nor was there a public berating in September 2023. Nor a breach of Ms. Ramsden's confidentiality. Nor did Ms. Ramsden deliver a resignation to the employer. There is no basis for Ms. Ramsden's assertion of an unsafe work environment. Nor was there any intolerable and/or detrimental working condition that would have prompted a reasonable person to leave the employment.

Ms. Ramsden is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Ramsden must meet all other eligibility requirements. The employer's account shall not be charged.

DECISION:

The December 21, 2023 (reference 01) decision is **AFFIRMED**. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective November 27, 2023. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.



James E. Timberland
Administrative Law Judge

January 29, 2024
Decision Dated and Mailed

rvs

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.