

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA M RULLESTAD-BISHOP
Claimant

JOURNEY SENIOR LIVING LLC
Employer

APPEAL 19A-UI-02164-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/17/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 8, 2019, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held on March 27, 2019. The claimant, Lisa Rullestad-Bishop, participated. The employer, Journey Senior Living, L.L.C., participated through Joey Oxenfield and Susan O'Connell. Claimant's Exhibits A and B were received and admitted into the record without objection.

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 part-time, most recently as a business office manager, from March 1, 2018, until February 21, 2019, when she quit effective immediately. Claimant sent an email to Vice President of Operations Todd Miller and to Oxenfield, her supervisor, and notified them she was quitting.

Claimant quit her employment due to her deteriorating work environment. On or about February 14, 2019, claimant contacted Miller and made several complaints about Oxenfield. Specifically, claimant believed Oxenfield was using the company credit card improperly and she believed Oxenfield had mishandled a resident's medication. At the time, Oxenfield was on medical leave, so claimant was not interacting with her. When Oxenfield returned to work on February 19, claimant felt she was treating her differently than before. Claimant was given several projects around that time and was told to finish them by the end of the day. Claimant became concerned that she was going to get fired. She contacted Miller and asked if she was going to be fired. Miller responded by telling claimant that he had handled her complaint and encouraging her to do her job and treat others with courtesy. After this, claimant decided to quit her job. Continued work was available for claimant, had she not quit her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation 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.

...

(28) The claimant left after being reprimanded.

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). In this case, claimant left her employment after she felt her work environment changed after she complained about her supervisor. When claimant voiced a concern about her job to Miller, he scolded her to simply keep her head down and do her job. While claimant may have been unhappy in her work environment, the average person in claimant's situation would not have felt similarly compelled to quit. 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 delivered a resignation letter to her employer and left her employment. While claimant may have had good personal reasons for leaving, she has not established a good-cause reason for quitting that is fairly attributable to the employer. Benefits are withheld.

DECISION:

The March 8, 2019, (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