

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

SHIRLEY M BOOHER  
123 W SUPERIOR  
MISSOURI VALLEY IA 51555

WEST CENTRAL DEVELOPMENT CORP  
1108 – 8<sup>TH</sup> ST  
PO BOX 709  
HARLAN IA 51537

Appeal Number: 06A-UI-03868-HT  
OC: 12/18/05 R: 01  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Shirley Booher, filed an appeal from a decision dated March 30, 2006, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 26, 2006. The claimant participated on her own behalf. The employer, West Central Development, participated by Human Resources Director Denny Lawson.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Shirley Booher was employed by West Central

Development from November 14, 2005 until March 3, 2006. She was a part-time family resources educator.

The claimant resigned because she did not like her supervisor, Debra Spencer. She felt she was being harassed because the supervisor did not want her to enter the classroom by the front door, as it would disturb the children, she also did not want her to use the copy machine without authorization. Ms. Booher also felt harassed because Ms. Spencer did not want her asking questions of the staff while they were trying to teach and did not want her making calls to another facility in Moorehead. However, the claimant's mentor, Claudia, was accessible at her work location.

The employer does have a policy to address employee concerns about harassment. If the supervisor is involved then any report should be made to Human Resources Director Denny Lawson. Ms. Booher never attempted to talk to the supervisor about her complaints nor did she go to Mr. Lawson.

She gave her resignation in March 3, 2006 because Ms. Spencer had told her on March 1, 2006, that her progress report at the staff meeting was "insufficient" and that she had not posted a menu as required on March 2, 2006. The interview with Mr. Lawson on that day was the first time anyone had been aware of her complaints. Continuing work was still available to her and she had not received any disciplinary actions from her supervisor regarding her work.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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.

871 IAC 24.25(22), (33) provide:

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:

(22) The claimant left because of a personality conflict with the supervisor.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

The claimant's primary reason for leaving appears to be that she did not like her supervisor and her managerial style. The restrictions Ms. Spencer imposed on Ms. Booher appear to be entirely reasonable; not to enter a classroom to disrupt the children and not to use the copy machine without authorization and to be used for work-related matters only. As supervisor Ms. Spencer was only doing her job by pointing out errors the claimant made or that her work did need some improvement. There has been no allegations of inappropriate or abusive language, merely a disagreement with the rules and the managerial style.

Ms. Booher appears to be especially sensitive to these matters. But "good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The representative's decision of March 30, 2006, reference 02, is affirmed. Shirley Booher is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjf