

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**REBECCA A WILSON**  
Claimant

**WOODCRAFT SHOP**  
Employer

**APPEAL 16A-UI-12781-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/30/16**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 21, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit because she did not like her work environment. The parties were properly notified of the hearing. A telephone hearing was held on December 16, 2016. The claimant, Rebecca A. Wilson, participated. The employer, Woodcraft Shop, participated through Larry Yudis, owner.

**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 sales associate, from September 29, 2005 until November 1, 2016, when she quit. Claimant informed Mrs. Yudis that she was quitting. Continued work was available, had claimant not quit her job.

On October 27, claimant and Yudis had a conversation about the employer's website. Claimant contends she was required to act as a liaison between the employer and technical support, though this duty was not part of the job for which she was hired. Claimant dealt with computer issues several times each month during her employment. Yudis testified that claimant was involved in the computer issues that were related to shipping and the employer's website, as claimant had voluntarily taken on a lead role in the shipping area. During the conversation on October 27, claimant alleges Yudis yelled at her in front of her coworkers. Yudis denies doing this.

Claimant also left her employment due to safety concerns. Claimant stated there has been black mold in the facility for at least three years. While claimant did not specifically testify about the length of time the black mold has been on the walls, she stated the issue was raised with the employer by the employer's daughter-in-law, who left the business approximately three years ago. Claimant did not describe any ill health effects attributable to this mold. Yudis testified that the mold on the wall is the result of leaking from the roof.

Claimant testified that the employer does not invest its money in improving the workplace. Throughout claimant's employment, the employer has been housed in a run-down building with duct tape holding down carpet. For the past six years, claimant has been using broken chairs. At one point, claimant sustained a shoulder injury related to loading and unloading a trailer. Yudis denied claimant's description of the dilapidated workplace was accurate.

### **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. 871-24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

In general, a substantial pay reduction of 25 to 35 percent or a similar reduction of working hours creates good cause attributable to the employer for a resignation. *Dehmel v. Emp't Appeal Bd.*, 433 N.W.2d 700 (Iowa 1988). An employer has the right to allocate personnel in accordance with the needs and available resources. *Brandl v. Iowa Dep't of Job Serv.*, (No. \_\_\_-\_\_\_/\_\_\_-\_\_\_, Iowa Ct. App. filed \_\_\_, 1986). Here, the additional responsibilities for computer problem-solving and communication with technical support were minor changes in claimant's routine that were ancillary to her primary job functions. Claimant did not demonstrate she quit because of a change in her contract of hire.

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.

(27) The claimant left rather than perform the assigned work as instructed.

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, claimant testified about multiple issues with her employment. The average employee in claimant's circumstance would not feel similarly compelled to end her employment due to any of the issues claimant described. 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 spoke with Mrs. Yudis and stated that she was quitting her employment. She did not return to work. Claimant's decision to leave her employment was without good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The November 21, 2016, (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.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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