

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**DARLA STUBER**  
Claimant

**APPEAL NO. 11A-UI-04695-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BLACK HAWK COUNTY**  
Employer

**OC: 02/27/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the April 4, 2011 (reference 01) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on May 16, 2011. Claimant participated and was represented by Thomas Frerichs, attorney at law. Employer participated through Elections Manager Kyle Jensson and Human Resources Director June Watkins and was represented by County Attorney Dave Mason. Claimant's Exhibit A was admitted to the record. Employer's Exhibit 1 was admitted to the record.

**ISSUE:**

The issue is whether claimant voluntarily left the employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked full-time as an office specialist in the county elections office and was separated from employment on February 25, 2011. On February 24, claimant and a coworker were entering data from the election the day before and was stretching for a moment at her desk before continuing. Jensson came out from her office and jokingly told claimant, "Oh no, we don't have time for that." Jensson can be emphatic and expressive but did not yell at claimant. Claimant misinterpreted and tendered her resignation the next day. Claimant has been diagnosed with general anxiety disorder, but her psychiatrist, Dr. Suri, and therapist, Vicki Clemons MSSW, LISW, did not advise her to quit her job. (Claimant's Exhibit A) When Jensson asked her about why she was resigning, claimant said she was going to return to the medical field and did not express concerns about how Jensson was treating her. The job was detail-oriented and Jensson could tell she was frustrated with that. Claimant was preparing supply kits for precinct special election officials and needed to make adjustments depending on changing predicted turnouts at the various locations and switching from federal to state or local documents that should have been done before completing the kits. The heaviest lifting required of the claimant was the individual election boxed kits that weigh about 25 pounds. Ballot bundles are packed in bags weighing less than 10 pounds each. Laptop bags weigh 20 pounds and all items are transported on carts. Claimant had not been asked to work in the warehouse

or lift 50 pounds. Claimant's attendance was a concern, but continued work was available. Jensson was not aware claimant had issues with her. Grant Veeter was Jensson's supervisor and claimant did not tell him of her concerns with Jensson. She did not communicate concerns with her union representative. On February 10 claimant asked Watkins if there were any other open positions in the county but did not offer specific complaints about her job. She told Watkins she was not happy in the department and Watkins was not surprised, because she had not lasted long in previous county positions and Jensson had come to Watkins earlier about claimant leaving without permission and using cell phones at work. She had previously worked in the county sheriff's department and had requested to be placed in layoff status because it was a high-stress job, although she had worked in the veterans' department and sought a lateral transfer to the sheriff's department because she knew people who worked there. She had been treated for anxiety before holding the elections office job. She had worked in the same job description in the county care facility and was bumped from the job to the county auditor's office. Her treatment with her mental health provider began sometime after that but before accepting the elections office job. The job requirement used throughout the county had been in place since February 21, 2007 and was posted for access by all employees. She was tested for her lifting capability before starting the job.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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.

871 IAC 24.25(6), (21), (22), and (27) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

(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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). Claimant was not required to give notice of her intention to quit due to an intolerable, detrimental or unsafe working environment if employer

had or should have had reasonable knowledge of the condition. *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

The claimant's leaving was not related to medical advice and the employer did not have reasonable knowledge of the specific areas of concern that caused her to quit. The employer reasonably believed her desire to transfer or leave was consistent with her sporadic county work history and the stated reason related to wanting to return to the medical field. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The April 4, 2011 (reference 01) decision is affirmed. The claimant voluntarily left her 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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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw