

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUDY H ALFRED**

Claimant

**APPEAL NO. 08A-UI-01084-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FRONTIER DUBUQUE HOTELS**

Employer

**OC: 11/25/07 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Judy H. Alfred filed a timely appeal from an unemployment insurance decision dated January 25, 2008, reference 02, that disqualified her for benefits. After due notice was issued, a telephone hearing was held May 30, 2008, with Ms. Alfred participating on her own behalf and presenting additional testimony by her husband, Stipen Alfred. Stanley Samson served as interpreter. Assistant General Manager Stacey Farrey participated for the employer, Frontier Dubuque Hotels, Inc., doing business as Best Western Midway Hotel.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**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: Judy H. Alfred was first hired at the Best Western Midway Hotel on July 16, 2000. Frontier Dubuque Hotels, Inc., purchased the property on March 5, 2007. Ms. Alfred continued to work as a housekeeper until she resigned January 1, 2008.

Company policy prohibits employees from eating in guest rooms. Late in the afternoon on December 29, 2007, Ms. Alfred ate a candy bar in a guest room. Ms. Alfred is diabetic. She had last had insulin early on the morning of December 29, 2007. She was feeling weak but did not follow company policy by going to the break room to eat.

Ms. Alfred's supervisor observed Ms. Alfred eating the candy bar and joking with coworkers. Ms. Alfred was given a warning and told to return on her next regular workday, which was December 31, 2007.

On December 31, 2007, Ms. Alfred told company management that she was contemplating resigning because the warning. On January 1, 2008, she notified the company of her resignation. Work was available to her had she not resigned.

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

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. An individual who resigns because of a reprimand leaves work without good cause attributable to the employer. See 871 IAC 24.25(28). Even though Ms. Alfred disagreed with the warning she had received, that disagreement in itself is insufficient to constitute good cause attributable to the employer according to the law.

An individual may receive unemployment insurance benefits if the individual resigns because of intolerable or detrimental working conditions. See 871 IAC 24.26(4). On the other hand, general dissatisfaction with the work environment or a personality conflict with a supervisor does not give an individual good cause attributable to the employer for a resignation. See 871 IAC 24.25(21) and (22). Ms. Alfred also testified that she felt she and other Marshallese employees were treated differently than others. This testimony was countered by the employer's evidence. The administrative law judge concludes that the claimant has not established by a preponderance of the evidence that the employer engaged in discrimination based upon the claimant's ethnicity. Benefits must be withheld.

## **DECISION:**

The unemployment insurance decision dated January 25, 2008, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/css