

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTINA M HILDEBRAND**  
Claimant

**APPEAL NO: 07A-UI-07733-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**  
Employer

**OC: 07/08/07 R: 03  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 30, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on August 28, 2007. Claimant participated. Employer participated through Sadie Henry.

**ISSUE:**

The issue is whether claimant quit the employment without 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 was employed as a part time temporary laborer at General Mills from March 7, 2007 until July 1, 2007 when she quit. Carla Heath, Remedy supervisor at General Mills set the hours and during the first several weeks gave her 40 hours and then the final two weeks or so was only assigned to work three days per week. Employer, as a temporary employment agency, does not guarantee any particular number of hours. Claimant complained to Heath without result. She then talked to Henry a couple of times but specifically asked her not to mention her complaint to Heath. The final incident occurred on her last day when a coworker called her an obscene name but Carla laughed and did nothing more than make him apologize. Claimant did not advise Henry of the incident before quitting.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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(21), (22) 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 § 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:

(21) The claimant left because of dissatisfaction with the work environment.

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. *Cobb v. Employment Appeal Bd.*, 506 N.W.2d 445 (Iowa 1993).

Even though claimant told Henry of her complaints about Heath, she specifically asked Henry not to tell Heath about it, thus tying employer's hands to resolve the issue. Additionally, claimant did not take the final issue of Heath's tolerance of the name calling above her head. Thus, claimant's decision to leave was without good cause reasons attributable to the employer for leaving the employment. Benefits are denied.

**DECISION:**

The July 30, 2007, 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

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