

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINE F RINEHART
Claimant

APPEAL NO. 11A-EUCU-00602-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

OC: 12/20/09

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Christine F. Rinehart (claimant) appealed a representative's July 20, 2011 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Manpower International, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 15, 2011. The claimant participated in the hearing. Bill Sheller appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began taking assignments with the employer on March 16, 2011. She worked full-time as a production worker at the employer's Eddyville, Iowa, business client. Her last day on the assignment was June 10, 2011. The assignment ended because on June 13 the claimant called the employer and indicated that she was leaving the assignment. Continued work on the assignment was available for the claimant had she not quit.

The reason the claimant left the assignment was because she felt she was being treated unfairly and she did not like the work environment. She felt that other employees could get by with things, such as leaving work early, that she was not allowed to do. Some other employees referred to her as a "slacker" by suggesting that "some people" needed to "pick up the slack," and she felt they gave her "dirty looks." After the claimant complained about one coworker in May, the coworker quit speaking to her for about a week. On about June 10, as the claimant and the coworker were leaving for the day, the coworker was ahead of the claimant and let the door slam behind him. As a result, the claimant decided to quit the assignment. On about June 17 she offered to return to the assignment, but by then the business client had decided to move on without her.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a coworker is not good cause. 871 IAC 24.25(21), (6). While the claimant's work situation was perhaps not ideal, she has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's July 20, 2011 decision (reference 02) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of June 15, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw