

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRISHA M ENGLISH
Claimant

FOCUS SERVICES LLC
Employer

APPEAL 18A-UI-08419-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/10/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 2, 2018, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 29, 2018. Claimant participated. Employer participated through Calvin Bradberry, Director, and Sharon Ngatikaura, Human Resources Representative. Employer's Exhibit 1 was admitted into the record.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a sales/inbound-call agent beginning on July 17, 2017 through January 18, 2018, when she voluntarily quit. If the claimant had not quit, there was continuing work available for her. The claimant went to Mr. Bradberry on January 18 and told him the job was too stressful and she was resigning. Mr. Bradberry tried to persuade the claimant to stay as an employee, but he was unable to convince her.

At hearing, the claimant said she voluntarily quit because she was too stressed by the job and she did not like the way at least one coworker and one manager treated her. She alleged that a coworker, Melissa, ignored her when she asked her for help one time. She also alleged that Melissa yelled at her and said, "leave me alone" when she asked her for assistance. She alleged that a manager, Amanda, said to her in a snotty tone of voice, that she could not assist her when the claimant asked her a question because at that moment as she was in a coaching session with another employee.

The claimant never went to the human resource assistant, Angie, to complain about her coworker or manager. On one occasion a coworker called the claimant a 'dumb b**ch' while they were in the parking lot. When the claimant went to Angie in human resources, Angie acted immediately to resolve the situation. Angie resolved the situation to the claimant's satisfaction. The claimant should have known from that experience that she could seek out human resources for assistance in resolving her issues with managers and/or coworkers. Claimant offered no

explanation as to why she did not seek help from Angie in human resources in resolving her issues with Amanda and Melissa.

The claimant did not like that the owners of the company could wear hats and did not abide by the dress code that was required of sales agents. She did not like the work environment as she did not feel it was professional enough for her. Nor did she feel comfortable while at work. The claimant did not like that she was given different information from her coworkers about how much the bonus was for upselling direct TV.

Claimant has indicated in the hearing that she would gladly return to her job if the employer would rehire her. The claimant has applied for numerous positions at the employer in the hopes of being rehired by this employer.

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 section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.25(6) 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:

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

Iowa Admin. Code r. 871-24.25(21) 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.

Iowa Admin. Code r. 871-24.25(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 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:

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

"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).

The claimant has not established an intolerable work environment that would give rise to good cause attributable to the employer for quitting the employment. The claimant had resources available through Angie in human resources that she did not take advantage of to resolve her differences. No work place is perfect and employees must learn to work with different personalities and foibles of coworkers and managers. The claimant has simply not established any work conditions that would rise to the level of intolerable especially given her admitted desire to return to work for the employer at the same job in the same work location. 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 August 2, 2018, (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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs