

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 04A-UI-09504-H2T
OC: 07-25-04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 23, 2004, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on October 14, 2004. The claimant did participate. The employer did participate through Jill Hugunin, Human Resources Representative.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a project coordinator full time beginning December 9, 2002 through July 21, 2004, when she voluntarily quit her job. The claimant was working with a coworker that she did not get along with, because she felt the coworker was rude and hostile because she did not like the tone of voice of the coworker in her conversation or e-mails. After speaking with her

coworker about how the claimant perceived her to be rude and hostile, the claimant asked her supervisor to be reassigned. She took a three-day previously planned vacation and when she returned the supervisor had given her a new assignment that she did not like. It was the claimant who asked for the new assignment, not the employer. Neither the claimant's rate of pay nor her hours would change. The claimant was not being demoted. The claimant was unable to get along with one of her coworkers and was unhappy with her employer's assignment of duties after she herself asked for reassignment. Continued work was available for her had she not quit.

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 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.

871 IAC 24.25(6) provides:

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

871 IAC 24.25(21) provides:

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2 (amended 1998). The employer has the right to allocate its personnel in accordance with its needs and available resources. It was the claimant who asked for the reassignment of duties after she was unable to get along with one of her coworkers. When the claimant complained to her supervisor, she asked to be reassigned and was told she could be reassigned. Then when the employer accommodated her and reassigned her she was unhappy with her reassignment. The claimant was also unhappy because she believed that her supervisor should have followed the claimant's ideas on how the business should be run, including who attended meetings and the distribution of job duties. The claimant was unhappy because the supervisor would not act in a way she thought was best. The employer did not force the claimant's resignation. The claimant has not established that her leaving was with good cause attributable to the employer. Benefits are denied.

DECISION:

The August 23, 2004, 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.

tkh/b