

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PULLEN, ANN, K
Claimant

APPEAL NO. 11A-UI-00951-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALEGENT HEALTH
Employer

OC: 11/07/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 21, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on February 24, 2011. Claimant participated. Tom Kuiper of TALX represented the employer and presented testimony through Sandi Lammers and Lisa Wolf. Exhibits One and Two were received into evidence. The hearing in this matter was consolidated with the hearing in appeal number 11A-UI-00950-JTT.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ann Pullen was employed by Alegent Health as a full-time housekeeper from 2008 until October 29, 2010, when she voluntarily quit. On October 11, 2010, the claimant made contact with Operations Director Lisa Wolf to complain about interpersonal conflict between herself and fellow housekeepers. In addition, the claimant told Ms. Wolf that the work was taking a toll on her physically. No doctor had recommended the claimant leaving employment. The claimant told Ms. Wolf she was giving her two weeks' notice. Claimant followed up the next day with a written resignation. Claimant indicated that October 29, 2010 would be her last day in the employment. The claimant did not get along well with her coworkers, who had worked for the employer longer and who sometimes commented on the quality of the claimant's work. The claimant thought she performed more than her fair share of work. The claimant thought her immediate supervisor was insensitive on at least one occasion. The claimant was not asked to perform anything other than her regular duties. The claimant believed herself to be a hard worker, but did not believe the same about her coworkers. The claimant felt unappreciated.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

When a worker voluntarily quits employment due to inability to get along with coworkers, personality conflict with the supervisor, or dissatisfaction with the work environment, the quit is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(6), (21), (22).

The weight of the evidence in the record establishes that Ms. Pullen voluntarily quit because she did not get along with coworkers or her supervisor and had tired of the employment. The evidence fails to establish intolerable or detrimental working conditions that would have prompted a recent person to leave the employment. The claimant voluntarily quit the employment without good cause attributable to the employer. Accordingly, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to the claimant.

DECISION:

The Agency representative's January 21, 2011, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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