

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ANNABELLE C BURNS**  
Claimant

**IAG LLC**  
Employer

**APPEAL NO. 22A-UI-07860-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/06/22**  
**Claimant: Appellant (4)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Annabelle Burns (claimant) filed a timely appeal from the March 30, 2022 (reference 01) decision that disqualified her for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion the claimant voluntarily quit on March 1, 2022 without good cause attributable to the employer. After due notice was issued, a hearing was held on May 12, 2022. Claimant participated. Bethany Young represented the employer and presented additional testimony through Miranda Meyer, Kristin Gillespie, and Mary Moye-Rowley. Exhibit A was received into evidence.

**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:

The claimant was employed as part-time sales clerk at Iowa Artisans Gallery from April 2021 and last performed work for the employer on March 1, 2022. Bethany Young is the gallery owner. The claimant also sold her original artwork through the gallery. On March 1, 2022, the claimant walked off the job mid-shift after unreasonably escalating a discussion with Ms. Young regarding a particular sale of her artwork. The claimant returned two-hours later, at which time Ms. Young attempted to have a discreet discussion with the claimant to let the claimant know the employer did not want the claimant to return until after the pair could discuss the claimant walking off the job and the incident leading to the claimant walking off the job. The claimant unreasonably escalated the interaction. The claimant continued to escalate the interaction on the sales floor, where other staff were present. The claimant ignored the employer's several directives to leave the gallery. The directives were based on the claimant's belligerent demeanor. The employer found the need to increase the volume of her voice as the claimant ignored her directives to leave. The claimant ultimately left. On March 7, 2022, the claimant emailed a resignation to the employer and provided March 22, 2022 as her last day in the employment. The employer elected not to have the claimant return to the employment.

## REASONING AND CONCLUSIONS OF LAW:

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.

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 Iowa Admin. Code r. 871-24.26(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).

Where a claimant leaves employment due to dissatisfaction with the work environment or due to a personality conflict with a supervisor, the quit deemed without good cause attributable to the employer. See Iowa Admin. Code rules 871-24.25(21) and (22).

The evidence in the record establishes a March 22, 2022 voluntary quit without good cause attributable to the employer. The claimant acted unreasonably and belligerently on the last day of the employment. Rather than being the victim of intolerable and detrimental working conditions, the claimant created an intolerable work environment on her last day in the employment. The claimant, not the employer, escalated the interactions. What the claimant cites as the intolerable aspect, the employer's raised voice, was in direct response to and necessary to respond to the claimant's belligerence and the claimant ignoring the employer's directives to leave the gallery because of the claimant's demeanor. The claimant's quit amounted to a quit based on dissatisfaction with the work environment and a personality conflict with the supervisor. Effective March 20, 2022, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits for the period beginning March 20, 2022.

Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation. See Iowa Admin. Code rule 871-24.25(38).

Because the employer elected not to have the claimant return to work through the quit notice period, the claimant is eligible for benefits for the weeks ending March 12 and 19, 2022,

provided the claimant is otherwise eligible. The employer's account may be assessed for benefits for the weeks that ended March 12 and 19, 2022.

**DECISION:**

The March 30, 2022 (reference 01) decision is MODIFIED in favor of the claimant/appellant as follows. Effective March 22, 2022, the claimant voluntary quit without good cause attributable to the employer. Effective March 20, 2022, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits for the period beginning March 20, 2022. Because the employer elected not to have the claimant return to work through the quit notice period, the claimant is eligible for benefits for the weeks ending March 12 and 19, 2022, provided the claimant is otherwise eligible. The employer's account may be assessed for benefits for the weeks that ended March 12 and 19, 2022.



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James E. Timberland  
Administrative Law Judge

June 30, 2022  
Decision Dated and Mailed

jet/mh