

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MANDEE LIND
Claimant

APPEAL NO: 18A-UI-11336-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SAGACIM INC
Employer

OC: 10/28/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 16, 2018, reference 01, decision that denied benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 5, 2018. The claimant participated in the hearing. Kelli Excell, Broker Manager, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment with 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 a full-time manager of property management for Sagacim Inc. from November 12, 2012 to October 17, 2018. She voluntarily left her employment because she was dissatisfied with the work environment.

On the evening of October 16, 2018, the claimant sent the employer an email stating she was "still unhappy" and it was not good for her family or health to be depressed (Employer's Exhibit One). The email then said, "I appreciate everything you have done and provided for me. I am beyond thankful for you in my life. I am actively looking for another career path. I have an interview lined up next Tuesday morning for a position outside of property management. I would like to provide you plenty of time to find another person for my position. I would like to help the office transition too if you'd like. I know this isn't great timing but I will work outside of classes to make sure things are getting done and taken care of. I hope that we can continue to be in each other's lives because I truly enjoy our friendship. Please let me know how you'd like to proceed" (Employer's Exhibit One). The employer locked the claimant out of the computer system that evening and met the claimant when she arrived for work October 17, 2018. They went to the conference room and discussed the situation. The employer was aware the claimant was unhappy for several months and asked the claimant if she was okay and whether she was sure that is what she wanted to do and the claimant

indicated it was. At the end of the conversation, the claimant said, "Are we really doing this?" and the employer asked, "Are you quitting?" and the claimant said "yes" and the employer said, "Then we're really doing this." They left the conference room and the employer helped the claimant pack her personal belongings and helped her carry those items to her car where they hugged and cried. The employer would have allowed the claimant to work for two additional weeks but the claimant signed up for a class that would have taken her out of the office most of the following two weeks against the employer's wishes.

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 § 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 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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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.

The claimant expressed her unhappiness with her job to the employer several times before sending the email October 16, 2018. While the claimant now denies that she quit her job, given the email and her conversation with the employer October 17, 2018, it was not unreasonable for the employer to believe she was quitting and the claimant did not say anything to dissuade the employer from that view when they talked October 17, 2018. The claimant's email spoke of her employment in the past tense. She stated she had "given it as much time" as she could. She thanked the employer for "everything you have done and provided for me." She said she was "actively looking for another career path" and had an interview lined up the following Tuesday. She concluded the email by stating she wanted to "provide (the employer) plenty of time to find another person for my position" and she "hope that we can continue to be in each other's lives." If she was not leaving her employment there would be no reason to give the employer time to find a replacement for her and they would have presumably continued to "be in each other's lives." Under these circumstances, the administrative law judge must conclude the claimant voluntarily quit her job and the employer accepted her resignation.

DECISION:

The November 16, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn