

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AIYANNA R LOONEY
Claimant

APPEAL NO. 12A-UI-14942-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WILLIAM PENN UNIVERSITY
Employer

**OC: 11/25/12
Claimant: Appellant (4-R)**

Iowa Code Section 96.5(1) – Voluntary Quit
Iowa Admin. Code rule 871 – 24.27 – Voluntary Quit of Part-time Employment

STATEMENT OF THE CASE:

Aiyanna Looney filed a timely appeal from the December 13, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on January 23, 2013. Ms. Looney participated. Louise Blaine, Human Resources Director, represented the employer. Exhibits One, Two, and A through D were received into evidence.

ISSUE:

Whether Ms. Looney's voluntary quit was for good cause attributable to the employer. It was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Aiyanna Looney was employed by William Penn University as a part-time graduate assistant/grant writer from July 1, 2012 until October 12, 2012, when she voluntarily quit. Ms. Looney's immediate supervisor was Sherri Taylor, Vice President of Advancement. Ms. Looney quit due to a personality conflict with Nik Rul, a person the employer had recently hired as Director of Development in the Advancement Department. The personality conflict predated employment and was not related to the employment. Ms. Looney objected to the very thought of working in the same office suite with Mr. Rul. Mr. Rul was not going to supervise Ms. Looney and would have no authority over Ms. Looney's work. Mr. Rul's start date was October 15, 2012. Ms. Looney submitted her resignation by email on October 9, 2012 and indicated that the resignation of be effective October 12, 2012. The employer elected to end the employment two days early, on October 10, 2012, and had Ms. Looney escorted from the workplace that day.

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 an employee voluntarily quits employment due to an inability to work with other employees or due to dissatisfaction with the work environment, the quit is presumed to be without good cause attributable to the employer. See Iowa Admin. Code rule 871 – 24.25(6) and (21).

The weight of the evidence in the record indicates that Ms. Looney *voluntarily* quit without good cause attributable to the employer effective October 12, 2012 because she did not want to work with a new employee who was to start on October 15, 2012. Ms. Looney had a pre-existing personality and interpersonal conflict with the new employee. It was unreasonable for Ms. Looney to expect or demand that the employer would refrain from hiring a person the employer deemed most qualified for the Director of Development solely because of Ms. Looney's personal feelings about the individual. Paradoxically, Ms. Looney's employment was on a college campus, a place where one expects to encounter, and to have to learn to constructively interact with, persons of differing perspectives. There is nothing about the hiring of the new employee or the impending work situation that rose to the level of intolerable or detrimental working conditions that would have prompted a reasonable person to quit the employment. Contrary to Ms. Looney's assertion, she did not quit under duress, unless the duress was self-imposed.

Because Ms. Looney voluntarily quit the employment without good cause attributable to the employer, she is disqualified for benefits *based on this employment* 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 Ms. Looney.

However, an individual who voluntarily quits *part-time* employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits, may receive reduced benefits based on the other base period wages. See Iowa Admin. Code rule 871 - 24.27. Ms. Looney remains eligible for benefits based on base period employment *other than employment with William Penn University*, provided she meets all other eligibility requirements. This matter will be remanded to the Claims Division for redetermination of Ms. Looney's eligibility for reduced benefits based on wages from other base period employment.

DECISION:

The Agency representative's December 13, 2012, reference 01, decision is modified as follows. The claimant voluntarily quit the employment without good cause attributable to the employer, she is disqualified for benefits *based on this employment* 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. The claimant remains eligible for benefits based on base period employment *other than employment with William Penn University*, provided she meets all other eligibility requirements. This matter will be remanded to the Claims Division for redetermination of the claimant's eligibility for reduced benefits based on wages from other base period employment.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs