

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAMELA J RING

Claimant

GRAPETREE MEDICAL STAFFING INC

Employer

APPEAL NO. 14A-UI-04732-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/13/14

Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 1, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 28, 2014. Claimant participated with attorney, Abby L. Walleck. Employer participated by Tim Kinnetz, CEO. Employer's Exhibits One through 4 and Claimant's Exhibit A were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 7, 2014. Claimant submitted a letter of resignation on March 7, 2014 which stated that she was unable to continue work with the employer because the employer had appointed Jeanenne Kinnetz as claimant's supervisor. Claimant contends that Ms. Kinnetz was disrespectful and had created a hostile and intolerable work environment. Claimant explained during the hearing that Ms. Kinnetz had been impolite, and made her feel uncomfortable on many occasions. Claimant disclosed this information to the CEO of the company, Tim Kinnetz. Claimant had been frustrated by the way she had been treated by Ms. Kinnetz for several years. Claimant had made attempts to make peace with Ms. Kinnetz and at times she was able to have a working relationship with her. Claimant was not able to show how the employer forced her to work in an intolerable work environment. She did explain that Ms. Kinnetz was sometimes rude, impolite, and that she contradicted claimant in front of other employees. Nevertheless, claimant failed to demonstrate that her work environment was intolerable. Claimant drafted a written complaint about Ms. Kinnetz, but did not give the document to the employer until the day before she quit which did not allow the employer a chance to take corrective action. She continued to work for the employer for 30 days after Ms. Kinnetz became her supervisor for financial reasons.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she could not work with her newly appointed supervisor, Jeanenne Kinnetz. Evidence submitted by claimant did not show that her work place was intolerable.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21), (22) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

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

(22) The claimant left because of a personality conflict with the supervisor.

DECISION:

The decision of the representative dated May 1, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/pjs