

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HEATHER M HAINLINE
Claimant

APPEAL 18A-UI-10046-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FRED C MARSH MD PC
Employer

**OC: 09/09/18
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 24, 2018 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held on November 6, 2018. The claimant, Heather M. Hainline, participated along with witness Sara Mitchell. The employer, Fred C. Marsh M.D., P.C., participated through Dr. Fred Marsh. Claimant's Exhibit A and Employer's Exhibits 1 through 3 were received and admitted into the record without objection.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a medical assistant, from March 2014 until August 31, 2018, when she quit. On August 31, claimant sent a text message to Dr. Marsh, who was on vacation at the time. Dr. Marsh's girlfriend, Jennifer, became upset by this message. Dr. Marsh ended up calling claimant to discuss the issue. During this conversation, Jennifer got on the phone. At that point, claimant disconnected the telephone call and then immediately sent a text message to Dr. Marsh stating that she quit. Continued work was available, had claimant not quit her employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits are withheld.

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 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: ...

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

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, claimant was involved in an isolated incident of conflict with Dr. Marsh and his girlfriend. While this situation was wholly unprofessional, the average person would not have felt similarly compelled to quit under the circumstances. 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). Claimant texted Dr. Marsh that she quit and ceased reporting to work. Claimant's separation from employment was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The September 24, 2018 (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn