

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ELIZABETH A WILSON
Claimant

SNC-LAVALIN
Employer

APPEAL 21A-UCFE-00008-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 02/14/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On April 8, 2021, Elizabeth A. Wilson (claimant) filed an appeal from the March 30, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with SNC-Lavalin (employer) for personal reasons. The parties were properly notified about the hearing held by telephone on June 15, 2021. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. No exhibits were offered into the record.

ISSUE:

Did the claimant voluntarily quit 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 full-time as a Senior Technical Consultant beginning on June 6, 2020, and was separated from employment on December 15, 2020, when she quit. The claimant disliked her supervisor and the way she communicated. The claimant believed her supervisor targeted her for being a single mother, even though she was the only parent on the team who had arranged for day care.

The final incident occurred when the claimant was on a conference call with her supervisor and other members of management. During the call, her supervisor disagreed publicly with the claimant about whether they had a prior meeting to discuss an issue. At the beginning of December, the claimant submitted her resignation, stating she had another job opportunity. However, the job opportunity the claimant referenced was staying at home to be a full-time mother and write a book. She did not have an offer for an employment opportunity in which she would earn insured wages.

REASONING AND CONCLUSIONS OF LAW:

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

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.

Iowa Admin. Code r. 871-24.25 provides, in relevant part:

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:

(3) The claimant left to seek other employment but did not secure employment.

(19) The claimant left to enter self-employment.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

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

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

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The 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).

The claimant has not established that she left with good cause attributable to the employer. The average person would not find the claimant's work environment to rise to the level of intolerable, even though the claimant did, based on the information provided in the record. The claimant's decision to leave because she did not like her supervisor and wanted to be a stay-at-home mom while writing her book does not constitute good cause attributable to the employer under Iowa law. Benefits must be denied.

DECISION:

The March 30, 2021, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left the 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.



Stephanie R. Callahan
Administrative Law Judge

June 28, 2021
Decision Dated and Mailed

src/lj