

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHATA L DAMERON

Claimant

APPEAL NO: 17A-UI-08775-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 07/23/17

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 16, 2017, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 13, 2017. The claimant participated in the hearing. Ryan Murphy, Loan Adjustment Manager and Peter Hanna, Employer Attorney, 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 loan adjuster I for Wells Fargo Bank from October 2, 2014 to July 24, 2017. She voluntarily left her employment due to conflicts with co-workers and some managers.

The claimant complained about her co-workers and a few managers. She believes she could not get a promotion because of her race, stated an employee called her a drug dealer, and a manager made inappropriate statements about African Americans and President Obama. That manager asked the claimant for her pain medication and then said she was a drug dealer. The claimant believes a new co-worker, who used a fragrant lotion and asked the claimant questions in an effort to be friendly and get to know her better, was actually trying to sedate her with the lotion and interrogate her on behalf of the employer because the lotion made the claimant tired. Loan Adjustment Manager Ryan Murphy offered to speak to other team members but the claimant did not want to cause further issues. The employer did move the claimant to a different floor closer to Mr. Murphy. When the claimant indicated she thought the employer was preventing her from being promoted, Mr. Murphy arranged for her to shadow other jobs, work side by side with other employees to learn their jobs and assisted her in resume writing and interview skills. On May 25, 2017, Mr. Murphy again suggested the claimant's desk be moved outside his office so she would not be surrounded by co-workers and the claimant agreed.

Mr. Murphy put in the ticket to have the claimant's desk moved but the claimant went on a leave of absence at the end of May 2017. She submitted her resignation in an email to Mr. Murphy July 24, 2017 (Employer's Exhibit One).

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.

While the claimant felt she was being discriminated against, and it appears some employees behaved inappropriately, the claimant loses some credibility when she argues her new co-worker was trying to sedate and interrogate her for the employer by using a lotion. Mr. Murphy attempted to accommodate the claimant's concerns and tried to help her prepare for a potential promotion. He also offered to move her to a desk near his to stop any inappropriate remarks made by co-workers or managers upstairs, but the claimant resigned before that solution could be implemented.

Under these circumstances, the administrative law judge must conclude the claimant has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are denied.

DECISION:

The August 16, 2017, reference 02, 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