

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RIETTA LEWIS-MCGEE**  
Claimant

**APPEAL NO: 14A-UI-06656-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WATERLOO COMMUNITY SCHOOL DIST**  
Employer

**OC: 06/01/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 17, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because the claimant quit for reasons that do not qualify her to receive benefits. The claimant participated at the July 17 and August 13, 2014 hearings. On the employer's behalf, Mickey Waschkat, Elizabeth Crowley and Brian Ortman appeared at both hearings. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in August 2012. She worked as a full-time para educator. The claimant did not work with B. during the 2012/2013 school year.

For the 2013/2014 school year, the claimant worked with a student who also worked with B. Almost immediately, the claimant and B. had issues getting along with one another. The claimant reported to Crowley, the principal, the issues she had with B. Crowley met with both women on September 13, 2013. Even though the claimant thanked Crowley for the meeting, the claimant continued experiencing problems with B. The claimant reported B. would not look at her, did not talk to her, treated her disrespectfully and refused to give the claimant documents the claimant needed to help assess the student the claimant worked with.

In mid-December 2013 the claimant told Crowley she had gone to the Uniserve Director (union) for support. Since the Uniserve Director worked for both employees and the school, Crowley indicated she would wait to see what solution the Uniserve Director proposed before taking any action. Crowley also received complaints from B. about the way the claimant treated or acted toward her.

When the Uniserve Director did not make any proposals to resolve the issues between the claimant and B., the employer started taking some steps to reduce the amount of time the two women had contact with one another. During the course of a day the claimant had at the most 25 to 30 minutes of contact with B. This occurred when the claimant brought the student to B's classroom or picked him up from B's classroom. The employer did not tell the claimant the employer was taking steps to reduce the amount of time the claimant and B were in contact with one another or any other actions the employer was trying to resolve the issue. The employer did not want to do anything to damage the claimant's good working relationship with the student.

When union did not show the claimant any support by making any suggestions to resolve the problems and the claimant concluded the employer was doing nothing, she became frustrated and decided to quit. When Waschkat asked the claimant if she going to make a formal harassment complaint against B., the claimant indicated she would but in reality the claimant had already decided to quit. The claimant did not make file a formal harassment complaint.

On February 26, 2014, the claimant submitted her resignation. The claimant's resignation indicated she was resigning because she had decided to move and seek other opportunities. While Crowley knew the claimant had issues with B., she was surprised the claimant resigned. The claimant worked until the effective date of her resignation, March 13, 2014. The claimant moved to Wisconsin in April 2014.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant voluntarily quit when she submitted her resignation notice on February 26, 2014. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant voluntarily quits without good cause when she leaves employment because she moves to a different locality, she is not satisfied with the work environment or because of a personality conflict with a supervisor. 871 IAC 24.25(2), (21) and (22).

The claimant established very compelling personal reasons for resigning. It is obvious, the claimant and B. had communication issues. It appears they had a personality conflict. Without B. present at the hearing, the claimant's testimony that B. often times ignored the claimant and did not acknowledge the claimant's existence is not disputed. Since the claimant worked with the student, the employer correctly told the claimant she could have access to documents that B. indicated she could not have. If B. persisted in refusing to give the claimant's documents that related to the student she worked with, the claimant had other ways of obtaining the documents.

While the evidence indicates problems between the claimant and B. continued, they only had limited contact with one another. B's treatment of the claimant is not condoned, but the claimant's perception and conclusions were not always correct. While, it is obvious the claimant became frustrated with the employer's and union apparent failure to support her, she did not know the employer was working behind the scenes to resolve her issues when the union did not take immediate steps. The claimant established personal reasons for quitting, but she did not establish that she quit for reasons that qualify her to receive benefits. As of June 1, 2014, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's June 17, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but her reasons for quitting do not qualify her to receive benefits. As of June 1, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css