

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICHOLLE L JACOBI
Claimant

SHRI EKADANTA, INC
Employer

APPEAL 21A-UI-19136-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/11/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) - Voluntary Quit
Iowa Code § 96.5(2)a - Discharge for Misconduct
Iowa Admin. Code r. 871-24.25(22) - Personality Conflict with Supervisor

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 27, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on October 20, 2021. Claimant, Nicolle Jacobi, participated and testified. Employer, Shri Ekadanta, Inc., participated through Jim Burbridge. Judicial notice was taken of the administrative file.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a front desk representative from February 19, 2021, and was separated from employment on July 8, 2021, when she quit after a verbal exchange with her immediate supervisor, Jim Burbridge, general manager of the hotel. During the exchange, the owner, Mr. Patel, stepped in and became involved. Ms. Jacobi kept testifying that she was constantly belittled by Mr. Burbridge, but was unable to provide any examples of this behavior. The July 8, 2021 incident involved a guest who was checked into a handicapped accessible room by a different shift and would rather have a different room. Ms. Jacobi was assisting the guest, but was unable to find another room for the guest. Mr. Burbridge assisted Ms. Jacobi, in showing her different computers screens that could be accessed to check for room availability. The guest was given a new room. Ms. Jacobi became upset, hostile and once the guest left, used profanity. She felt what was done and how was undermining her in front of the guest and belittling to her. She turned in her keys and company phone and quit. The evidence is such this exchange was Mr. Burbridge attempting to provide training to Ms. Jacobi so she can be a better front desk representative and assist the guest at the same time. Ms. Jacobi's described behavior is consistent with a moment of her behavior in hearing before the undersigned. Claimant advised

that Mr. Burbridge no longer holds the position of general manager, inferring that her claim of hostile environment is supported by her supervisor being removed from his general manager position. Mr. Burbridge was promoted from general manager of one hotel to director of regional operations for three hotels for the employer.

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.

Iowa Code section 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(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:

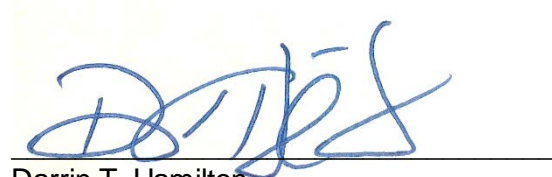
(22) The claimant left because of a personality conflict with the supervisor.

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). 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 did not get along with her supervisor and left as a result. Claimant is now working the front desk at a place she gets along with everyone and loves her job. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The August 27, 2021, (reference 01) unemployment insurance 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.



Darrin T. Hamilton
Administrative Law Judge

October 28, 2021 _____
Decision Dated and Mailed

dh/scn