

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TIFFANY M PETERSON**  
Claimant

**FEURING PROMOTIONS INC**  
Employer

**APPEAL 19A-UI-03297-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/24/19**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On April 22, 2019, Tiffany M. Peterson (claimant) filed an appeal from the April 10, 2019, reference 01, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with Feuring Promotions, Inc. (employer) for personal reasons which does not constitute good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on May 10, 2019. The claimant participated personally. The employer participated through Manager Kirt Cooper.

**ISSUE:**

Did the claimant voluntarily quit the 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 Press Operator beginning in April 2009 and was separated from employment on March 21, 2019, when she quit. The claimant reported to Dustin Bruce, but Owner Kevin Fuering was also active in the management of the company. He spoke with his employees on a daily basis. Two weeks before the end of her employment, the claimant told Bruce she was thinking of quitting because Fuering kept talking to her.

On March 21, Fuering asked the claimant to come to his office. The claimant did not want to go because she did not believe the two of them had anything to discuss. Later that morning, the claimant observed Bruce and a temp employee discussing an incident that had occurred between the claimant's mother, who also worked for the employer, and the temp employee. The claimant saw the temp employee say her name three times. When the claimant confronted Bruce, he said they were not talking about her. The claimant told Bruce she was leaving and walked out of work.

**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:

...

(6) The claimant left as a result of an inability to work with other employees.

...

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

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

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's decision to leave because she did not want to talk to Furing, believed the temp was talking about her, and believed that Bruce lied to her are not good cause reasons attributable to the employer. Benefits are denied.

**DECISION:**

The April 10, 2019, 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.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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