

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**BRANDI K PENA**  
Claimant

**EMW GROSCOPP INC**  
Employer

**APPEAL NO. 19A-UI-00544-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/30/18**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 16, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 4, 2019. Claimant participated. Employer participated by Cristi Kelch and Lisa Vandentop. Employer's Exhibits 1-9 and Claimant's Exhibit A-B was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 20, 2018. Claimant voluntarily quit on November 30, 2018, as she believed employer wasn't paying proper attention to her allegations of bullying and harassment.

Claimant worked in assembly for employer for approximately two months. Very shortly after being hired, a co-worker that claimant worked alongside and who had been an acquaintance of, co-worker shared a statement with claimant that their supervisor did not know what she was speaking of in regards to procedures to be followed. Claimant went to the supervisor later in the day and told her of the co-worker's statements. The next day the co-worker was addressed by the supervisor. As a result, the co-worker carried animosity towards claimant throughout her employment.

Claimant was often absent from work. Claimant met with employer for a three-week evaluation wherein she was told that she showed "too much initiative" which translates into being involved in co-workers' business.

Claimant often complained to employer about the cold shoulder she was receiving from two co-workers and a supervisor who was the mother of one of the two co-workers. On the day before the last day of work, employer sat down claimant and the main co-worker who didn't treat

claimant well. The co-worker stated that she would be civil with claimant, but would not be her friend.

At the same meeting and previous to the meeting, claimant requested to be transferred to another area where she wouldn't have to be near a woman who didn't like her. Employer did tell claimant that there was an opening on claimant's last day of work and that claimant could put in for a transfer.

On claimant's last day of work, she worked next to the co-worker, and the co-worker stated she'd be civil, but not friendly. Claimant alleged that a friend of the co-worker walked by and said, "Shady, shady, shady." The co-worker denied that this happened. Claimant decided that these ongoing incidents were too much for her and she quit.

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

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she felt as though a couple of her co-workers were not being friendly to her and didn't like her.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant believed that a couple of her co-workers did not like claimant. Claimant did not prove that the co-worker's dislike for her manifested itself into anything more than statements to other workers that she didn't like claimant. This is far from enough to constitute harassment.

Additionally, although claimant was absent from work a good number of days during her short period of employment, employer did address claimant's concerns in two concrete ways. Employer organized a meeting for the parties to get together and air their differences and employer notified claimant that she could put in a transfer to another area to clear herself from being in the vicinity of a co-worker who didn't like claimant. These actions relieve employer from bearing responsibility for claimant's quit.

**DECISION:**

The decision of the representative dated January 16, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn