

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLOTTE HEAD
Claimant

CENTERVILLE COMM SCH DIST
Employer

APPEAL 18A-UI-04783-NM-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 12/24/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 9, 2018, (reference 13) unemployment insurance decision that denied benefits based on her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on May 11, 2018. The claimant participated and testified. The employer participated through Principal Jeremy Hissem. Superintendent Tom Rubble and Business Manager Linda Hinderson were also present on behalf of the employer, but did not testify. Claimant's Exhibit A was received into evidence.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a study hall supervisor from January 15, 2018, until this employment ended on March 11, 2018, when she voluntarily quit. As the study hall supervisor claimant was responsible for supervising high school students while they were in study hall. Claimant was explained what her job duties would be at the time of hire and was advised there would be a large number of students to supervisor. However, when claimant actually began performing the job she found the number of students very difficult to manager and asked Hissem for additional assistance. Claimant testified she requested that either Hissem, or another staff member, stop by the larger, more difficult to manage periods to check in. Hissem granted this request, assigning several other staff members to check in during the difficult periods, or checking in himself. Hissem explained, however, that he and the other staff members did have other full time job duties and were not always available to be there during difficult periods. Claimant testified eventually the work became too much for her and she did not realize how many students there would be to supervise, so she resigned her position. Had claimant not resigned work would have continued to be available to her.

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 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:

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

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 resigned because she found the study hall class size too large and the work to be too difficult. 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 April 9, 2018, (reference 13) 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.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs