

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA DORSEY
Claimant

TAMMY HEIBY
Employer

APPEAL 20A-UI-14934-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/30/20
Claimant: Appellant (1)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jessica Dorsey (claimant) appealed a representative's November 4, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Tammy Heiby (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 19, 2021. The claimant was represented by Amanda Bartusek, Attorney at Law, and participated personally. The employer participated by Jennifer Glenn, Director of Human Resources. The administrative law judge took official notice of the administrative file.

ISSUE:

The issues include whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from July 18, 2019, through August 31, 2020, as a full-time compliance coordinator.

On April 1, 2020, the claimant filed a complaint against Supervisor Grefe. The complaint was investigated and discipline was issued. On May 14, 2020, the claimant filed a complaint against Supervisor Gross. The complaint was investigated and discipline was issued. On July 16, 2020, the claimant sent an email to the Human Resources Manager indicating she was no longer being harassed at the plant, the relationship with Supervisor Grefe was mending, and he was a pleasure to work with.

On or about August 17, 2020, in the regular course of her job duties, the claimant evaluated the job performance of Supervisor Gross. She gave him a negative evaluation. On August 18, 2020, a temporary employee filed a complaint against the claimant for making her feel uncomfortable when the claimant talked about her own mental health history. The claimant

thought the complaint was somehow instigated by Supervisor Gross in retaliation for the negative evaluation.

The employer investigated the complaint against the claimant and on August 28, 2020, shared that it had no conclusive findings. The claimant felt she was not going to be protected by the employer. She thought the employer was creating a file against her. On August 31, 2020, she emailed a letter of resignation to the employer. The claimant quit work because she felt she was being retaliated against for complaining about her supervisors.

The claimant filed for unemployment insurance benefits with an effective date of August 30, 2020. Her weekly benefit amount was determined to be \$440.00. The claimant received no state unemployment insurance benefits or Federal Pandemic Unemployment Compensation after August 30, 2020.

REASONING AND CONCLUSIONS OF LAW:

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(21) and (22) provide:

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.

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

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). The claimant's intention to voluntarily leave work was evidenced by words and actions. When employees quit work because of dissatisfaction with the work environment or a personality conflict with a supervisor, their leaving is without good cause attributable to the employer. The claimant left work because she did not like her supervisor and she did not like her work environment. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

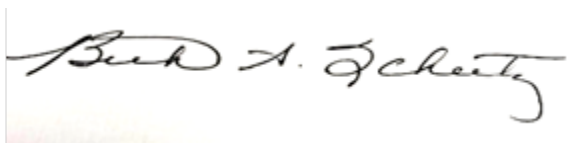
Even though the claimant is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the

Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

DECISION:

The representative's November 4, 2020, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



Beth A. Scheetz
Administrative Law Judge

February 4, 2021
Decision Dated and Mailed

bas/kmj