

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**DARLENE K NOLL**  
Claimant

**APPEAL NO. 07A-UI-01449-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SDH EDUCATION WEST LLC**  
Employer

**OC: 07/02/06 R: 01  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-2(a) – Discharge

**STATEMENT OF THE CASE:**

Darlene K. Noll filed a timely appeal from an unemployment insurance decision dated February 7, 2007, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held February 28, 2007, with Ms. Noll participating and presenting additional testimony by Jennifer Purvis and Patricia Purvis. Her former employer, SDH Education West, did not respond to the hearing notice. Exhibits One and Two were admitted into evidence.

**ISSUE:**

Whether the claimant voluntarily quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Darlene K. Noll was employed by SDH Education West from February 8, 2001, until November 8, 2006. Classified as a banquet server, Ms. Noll was a full-time food service employee performing her services in the dining hall of Northwestern College.

On November 2, 2006, District Manager Frank Cecil held a grievance meeting. Neither Ms. Noll nor her supervisor, Jennifer Purvis, nor her coworker Patricia Purvis, was included in the meeting. On the following day, General Manager Donald Keith told the three that all or some of them “would be gone” at the end of the investigation. Ms. Noll was sent home and was not allowed to receive her personal belongings and equipment from the worksite.

Ms. Noll appealed to Mr. Cecil, who stated that he would not be able to take her statement for several weeks. Based upon General Manager Keith’s statements and her fear at not being able to retrieve her personal cooking equipment, Ms. Noll submitted a letter of resignation.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

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.

The evidence in this record persuades the administrative law judge that the employer fully intended on forcing the claimant to resign. Mr. Keith made that plain to the claimant. The district manager's actions are consistent with the statement. The evidence persuades the administrative law judge that the claimant was forced to resign because of personality conflicts within the workplace. Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated February, 2007, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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