

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KELLY J FIDDELKE**

Claimant

**UNIVERSITY OF NORTHERN IOWA**

Employer

**APPEAL 21A-UI-24866-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/10/21**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant/appellant, Kelly J. Fiddelke, filed an appeal from the October 26, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A first telephone hearing was scheduled for January 6, 2022. The claimant participated personally. The employer/respondent, University of Northern Iowa, participated through Michelle Byers, human resources. Employer Exhibits A-D were admitted. No testimony was taken and the hearing was continued to allow the claimant to resubmit exhibits.

A telephone hearing was held on January 24, 2022. The claimant participated personally. The employer/respondent, University of Northern Iowa, participated through Michelle Byers, human resources. Jennifer Lynes, former employee, also testified on behalf of claimant. Claimant Exhibits 1-4 were admitted into evidence. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision

**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: Claimant began her employment in July 2016. Claimant worked as an assistant dean for student access services until September 9, 2021, when she quit the employment. Continuing work was available.

Claimant tendered her resignation via email to Shelley O’Connell, her temporary manager (Employer Exhibit D). Prior to quitting, claimant had filed formal complaints against her manager, Allyson Rafanello, (Employer Exhibit B-1, B-2, B-3) Nick Rafanello (Ms. Rafanello’s husband and also employee of UNI), Paula Knudson (Ms. Rafanello’s boss), Shelley O’Connell, (claimant’s temporary manager), Dr. O’ Grady, (Ms. O’Connell’s boss), and Leah Gutknecht (ADA coordinator/assistant to the president for compliance and equity management).

Claimant's complaints reference conduct from 2018 to 2021 (Claimant Exhibit 1, 2). Employer responded to claimant's concerns through emails, meetings, and investigations.

Claimant filed complaints based upon retaliation, and later regarding her disability. In claimant's final months of employment, claimant was upset that while on FMLA she felt "cut out" of participating in accommodation requests for her own employees, not being consulted by members of management regarding various matters (Claimant Exhibit 1), feeling job duties were "stripped" from her, and the employer's decision to recall employees back to the office (instead of telework) if they involved student interactions, as claimant's position did. Claimant also became upset that her request to have meeting agendas provided in advance was not granted (Claimant Exhibit 4). Employer stated the request was not granted due to claimant failing to furnish sufficient medical documentation to support the request (Employer Exhibit B-4, B-6, Byers testimony). Claimant's request to have a different temporary manager was also denied (Claimant Exhibit 1, page 10). She also questioned employer's conflict of interest policy as it related between Mr. and Ms. Rafanello.

Claimant's job was not in jeopardy at the time of separation. However, claimant had been reminded in the past about chain of command, and her communications with other departments (Claimant Exhibit 1).

Because claimant's requests were not being addressed in a matter she felt was sufficient, claimant felt she had to resign from employment (Claimant testimony).

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

For the reasons that follow, the administrative law judge affirms the initial decision.

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.

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

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. Iowa Dep't 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 element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person

would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993).

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.* In this case, the administrative law judge carefully reviewed claimant's exhibits, employer's exhibits, and testimony offered by claimant and Ms. Byers on behalf of the employer. The administrative law judge recognizes claimant's commitment and passion in her position, as well as her challenging the authority or decisions made by multiple levels of management, in multiple departments. After assessing the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds the weight of the evidence in the record establishes claimant has not met her burden of proof to establish he quit for good cause reasons within Iowa law.

Iowa Admin. Code r. 871-24.25 provides in pertinent parts:

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.

Claimant in this case asserted she quit employment based upon a myriad of complaints that began in 2018 and continued until the time of her resignation. Claimant raised complaints, formally and informally with at least six different members of management, across various departments. In these cases, the employer did investigate claimant's concerns, although the outcomes were not always as claimant wanted.

Most recently, the claimant was upset with her temporary manager, feeling left out of decision making with regard to her staff, having to return to the office, and having requests denied by the

employer (such as meeting agendas provided in advance, and having another manager). An employer has the right to allocate personnel in accordance with the needs and available resources. *Brandl v. Iowa Dep't of Job Serv.*, (No. \_\_\_-\_\_\_/\_\_\_-\_\_\_, Iowa Ct. App. filed \_\_\_, 1986). Based on the evidence presented, the administrative law judge concludes

Based on the evidence presented, the administrative law judge is not persuaded the conditions between the claimant and employer were escalated to a point that would be deemed harassment or a hostile work environment, but rather due to personality conflict. Her disagreement with the employer's investigation of her complaints does not constitute good cause attributable to the employer. While the claimant's leaving the employment 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.

The parties are reminded that under Iowa Code § 96.6-4, a finding of fact or law, judgment, conclusion, or final order made in an unemployment insurance proceeding is binding only on the parties in this proceeding and is not binding in any other agency or judicial proceeding. This provision makes clear that unemployment findings and conclusions are only binding on unemployment issues, and have no effect otherwise.

**DECISION:**

The October 16, 2021 (reference 01) initial decision is affirmed. The claimant quit 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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Jennifer L. Beckman  
Administrative Law Judge  
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1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

February 18, 2022  
Decision Dated and Mailed

jlb/mh

**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, but who were unemployed between February 2, 2020 and June 12, 2021 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>. **The authorization code is 1 , the pin**

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>