

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KARISSA M ARCHER
Claimant

YOUTH HOMES OF MID-AMERICA
Employer

APPEAL 18A-UI-08557-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/15/18
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 3, 2018, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 4, 2018. Claimant participated and testified. Employer participated through Director of Program Services Mike Pavon. 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 began working for employer on September 26, 2017. Claimant last worked as a full-time youth care worker. Claimant was separated from employment on July 18, 2018, when she voluntarily quit.

On July 18, 2018, claimant's immediate supervisor, Fred Buell, came in to her office to discuss one of the employer's policies with the claimant. The purpose of the meeting was not disciplinary in nature, but was simply for Buell to clarify the policy to claimant. Claimant did not appreciate the tone in which Buell was speaking to her and the conversation turned more adversarial. Claimant testified she felt as though she was being unfairly reprimanded. Prior to this claimant had approached Buell several times with issues she was having with a coworker. Claimant felt the coworker was bullying her and attempting to undermine her based on an incident involving bus fare for a client and another incident in which the coworker reported to Buell that claimant had left them under ratio. Claimant felt like Buell was not taking her complaints seriously. Later that night claimant sent an email resigning her employment. In the email claimant explained she was resigning based on her treatment by Buell earlier in the day on July 18 and his failure to address her issues with her coworker. Had claimant not resigned work would have continued to be available.

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:

(6) The claimant left as a result of an inability to work with other employees.

...

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

...

(28) The claimant left after being reprimanded.

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 when she felt she was not being supported and was being unfairly reprimanded by her supervisor. Claimant has not shown that the work environment was such that the average person would find it intolerable. 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 August 3, 2018, (reference 01) 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