

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**STEPHANIE R HARRE**  
Claimant

**HAYES BUSINESS GROUP, LLC**  
Employer

**APPEAL 21A-UI-09752-AR-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

On April 6, 2021, claimant, Stephanie R. Harre, filed an appeal from the April 1, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination that claimant quit her employment with the employer, Hayes Business Group, LLC, without showing good cause for having done so. The parties were properly notified about the hearing held by telephone on June 17, 2021. The claimant participated personally. The employer participated through Molly Kuewite.

**ISSUE:**

Did the claimant quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a customer service representative beginning on August 19, 2020, and was separated from employment on March 22, 2021, when she resigned.

Claimant and her supervisor, Rod Korth, had never gotten along well during claimant's employment. Early in her employment, Korth took her aside and told her that anything that happened behind closed doors was "completely private." Claimant found this objectionable and threatening. The relationship did not improve thereafter. Korth "nitpicked" and "belittled" claimant for minor issues. On one occasion, claimant asserts he followed her home for an unknown reason.

Claimant made complaints about Korth's conduct to the vice president, Andy, and the CEO, John. She spoke with Andy frequently—nearly daily. She provided a written complaint to John on an undated occasion. Korth's conduct did not change despite claimant's complaints.

Claimant was out with a doctor's excuse on March 19, 2021. That day, Korth told some of claimant's coworkers that he was going to "make [her] life a living hell," and she "needed to

watch [her] back.” Claimant's coworker told her about this statement over the weekend. Claimant believes he was upset with her because she had attempted to return from medical leave early, but then had to go back on leave because she became ill again when she attempted to return. On March 22, 2021, when claimant was released to return to work by the doctor, she went to work, gathered her belongings, told a coworker she quit, and left.

Others had similar complaints about Korth. Claimant was not the only employee with whom Korth clashed.

## **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 § 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(22) 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:

...

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

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 has not alleged conduct by Korth that rose the level of unlawful or intolerable. While some of the alleged conduct was troubling, it was not clearly related to a protected characteristic, nor was it severe enough to render the conduct unlawful. The employer felt that claimant and Korth never got along. Additionally, based on other complaints received by the employer, claimant was not the only person experiencing a personality clash, suggesting Korth's

conduct was related to his own issues; it was not necessarily directed exclusively at claimant. 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 1, 2021, (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.



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Alexis D. Rowe  
Administrative Law Judge

June 30, 2021  
Decision Dated and Mailed

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