

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONNA J WALDERBACH**  
Claimant

**APPEAL NO. 11A-UI-14351-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CR AUTO FINANCE INC**  
Employer

**OC: 10/09/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 27, 2011 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on November 29, 2011. Claimant participated. Employer participated through Company President Russ Larson and Company Treasurer Daryl Nelson.

**ISSUE:**

The issue is whether claimant voluntarily left 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 was employed full-time as a portfolio manager from May 25, 2010 and was separated from employment on October 5, 2011 when she quit, as she told Nelson, because of her husband's health issues and she was no longer comfortable imposing on friends and relatives to take her to medical appointments and treatments. In the exit interview, she also said she was uncomfortable with a recent manager, J.J., because he limited what she could do and that he worked with another, newer employee more than her. She did not mention her concern about Larson swearing before. Larson tells all interviewees that he swears and asks them if they are uncomfortable with it. He did not swear at claimant in May or June but did swear while speaking with her because he was upset at the time because of claimant not giving cars back to people who did not have driver's license. The law requires that they give the cars back. She and another employee made contact with someone who was not on the loan and the employer got complaints. Larson and J.J. did not threaten to charge claimant's delinquency account, from which she gets paid a bonus, after a customer did not have insurance and totaled the car because it would hurt the employer in its standing with banks and customer service rating. She was not allowed to do customer interviews because of her attitude. She was not "threatened" but was told that she must comply with the employer's rules, J.J.'s direction, and improve her attitude or face losing her job.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

871 IAC 24.25(21), (22), and (23) 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 § 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 § 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.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). Claimant was not required to give notice of his intention to quit due to an intolerable, detrimental or unsafe working environment if employer had or should have had reasonable knowledge of the condition. *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. *Polley v. Gopher Bearing Company*, 478 N.W.2d 775 (Minn. App. 1991).

Since the primary reason given was because of her husband's medical issues, she had tolerated other complaints and acquiesced to Larson's swearing since May or June, and her other reasons for leaving were related to not getting along with her most recent supervisor, the claimant has not established a good-cause reason attributable to the employer for leaving. While her decision to quit may have been based upon good personal reasons related to her husband's medical issues, it was not a qualifying reason for leaving the employment. Benefits must be denied.

**DECISION:**

The October 27, 2011 (reference 01) 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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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw