

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BECKY J DYER-HENDRIX**  
Claimant

**APPEAL NO: 13A-UI-09686-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**INDIAN HILLS COMMUNITY COLLEGE**  
Employer

**OC: 07/21/13**

**Claimant: Appellant (1)**

Section 96.5-1-d – Voluntary Leaving/Illness or Injury

**STATEMENT OF THE CASE:**

Becky J. Dyer-Hendrix (claimant) appealed a representative's August 12, 2013 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Indian Hills Community College (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 26, 2013. The claimant participated in the hearing. Bonny Campbell appeared on the employer's behalf. One other witness, Sherry Heisdorffer, was available on behalf of the employer but did not testify. Based on the evidence, the arguments of the parties, 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 without good cause attributable to the employer?

**FINDINGS OF FACT:**

After a prior period of employment with the employer as a student employee, the claimant started working for the employer as a regular permanent employee on November 12, 2012. She worked full time as a payroll clerk on a daytime schedule, Monday through Thursday. As of August 26, 2006 she also took on another full-time job with the employer as a live-in dormitory supervisor in the evening hours. Her last day of work as payroll clerk was June 27, 2013. As of the date of the hearing the claimant remained employed in the dormitory supervisor position.

On June 10, 2013 the claimant gave notice of her intention to resign from the payroll clerk position, with her last day being the last regular working day of the month, June 27. Her reason given for quitting was due to the work environment having a detrimental effect on her mental and physical health.

The claimant had been diagnosed with depression and anxiety. While a general doctor had recommended that she should quit over a year prior, it is not clear whether that recommendation was to simply end one of the full-time jobs because having the two jobs itself was creating too much stress, rather than ending the payroll clerk job specifically. No doctor

had recently advised the claimant to specifically leave the payroll clerk job, although her mental health practitioner had after the fact advised the claimant that it had been a good choice.

The claimant had been making an increasing number of mistakes in the payroll clerk position, and the employer had been counseling the claimant regarding her job performance. On May 29 the claimant was placed on a six-month developmental plan to address the job performance issues. During that discussion the claimant verbalized that she questioned whether she could succeed in that period, and offered to resign. In a further discussion on May 30 the claimant felt that her supervisor, Campbell, who was the human resources director, was overly hostile and aggressive towards her because she pointed her finger at the claimant during the discussion. At that point the claimant determined to resign after she came back from having a week off, which she then communicated to the employer on June 10.

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

If the claimant voluntarily quit, she would not be eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Under some circumstances, a quit for medical or health reasons is attributable to the employer. Iowa Code § 96.5-1. Where factors and circumstances directly connected with the employment caused or aggravated an employee's illness, injury, allergy, or disease can be good cause for quitting attributable to the employer. 871 IAC 24.26(6)b. However, in order for this good cause to be found, prior to quitting the employee must present competent evidence showing adequate health reasons to justify ending the employment, and before quitting must have informed the employer of the work-related health problem and inform the employer that the employee intends to quit unless the problem is corrected or the employee is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant has not presented competent evidence showing adequate health reasons to justify her quitting. Further, before quitting she did not inform the employer of the work-related health problem and inform the employer that she intended to quit unless the problem was corrected or reasonably accommodated.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). While the claimant's work situation was perhaps not ideal, she has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative's August 12, 2013 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of June 27, 2013, benefits are withheld until such time as the claimant 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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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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