

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBORAH L OVERTON
Claimant

DOCTORS LANGWITH, HULL & ROUSH PC
Employer

APPEAL 19A-UI-01180-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/20/19
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(21) – VQ – Dissatisfaction work environment
Iowa Admin. Code r. 871-24.25(22) – VQ – Personality conflict with supervisor
Iowa Admin. Code r. 871-24.25(38) – VQ – Resignation caused discharge for notice period

STATEMENT OF THE CASE:

Deborah Overton, Claimant, filed an appeal from the February 8, 2019 (reference 01) unemployment insurance decision that allowed benefits from claimant's resignation date to the effective date and denied benefits thereafter because claimant voluntarily quit work with Doctors Langwith, Hull & Roush PC without good cause attributable to employer. The parties were properly notified of the hearing. A telephone hearing was held on February 26, 2019 at 11:00 a.m. Claimant participated. Employer participated through Diana Hennick, Office Manager. No exhibits were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without 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 an autoclave and x-ray technician from July 11, 2011 until her employment with Doctors Langwith, Hull & Roush PC ended on January 21, 2019. (Claimant Testimony) Claimant's direct supervisor was whomever doctor claimant was assigned to work with on that day. (Claimant Testimony) Claimant's schedule was Monday through Friday from 7:00 a.m. until 4:30 p.m. (Claimant Testimony)

On January 21, 2019, claimant gave her two week notice of resignation to Dr. Hull via telephone. (Claimant Testimony) Based upon her resignation, claimant's last day of employment would have been February 4, 2019. (Claimant Testimony) Dr. Hull discharged claimant from employment effective immediately per company policy. (Hennick Testimony) Claimant's job was not in jeopardy; there was continuing work available to claimant had she not resigned. (Hennick Testimony)

The reason for claimant's resignation was dissatisfaction with the work environment. (Claimant Testimony) Specifically, claimant felt as though she was under constant scrutiny by Dr. Hull, Dr. Hull's demeanor was intimidating and Dr. Hull was too critical. (Claimant Testimony) Dr. Hull never used profanity or raised his voice with claimant. (Claimant Testimony) Claimant did not address her concerns with Dr. Hull or employer. (Claimant Testimony)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit her employment without good cause attributable to employer and was discharged during her resignation period.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, 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).

Where a claimant gives several different reasons for leaving employment, the administrative law judge is required to consider all stated reasons which might have combined to give the claimant good cause to quit in determining whether any of those reasons constituted good cause attributable to the employer. *Taylor v. IDJS*, 362 N.W.2d 534 (Iowa 1985).

Iowa Admin. Code r. 871-24.25(21), (22), and (38) 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:

(21) The claimant left because of dissatisfaction with the work environment.

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

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation,

no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

Claimant's resignation is both evidence of her intent to sever the employment relationship and an overt act of carrying out that intent. Claimant's resignation was voluntary and accepted by employer. Claimant was discharged for no disqualifying reason prior to the effective date of her resignation and, therefore, is eligible for benefits during her resignation period. Claimant provided many reasons for leaving her employment; this administrative law judge has considered them all. None of claimant's reasons for leaving her employment constitute good cause attributable to employer. Claimant has not met her burden of proving that she quit for good cause attributable to the employer. Therefore, benefits are denied after the resignation effective date.

DECISION:

The February 8, 2019 (reference 01) unemployment insurance decision is affirmed. Benefits are allowed from benefit week beginning January 20, 2019 until benefit week ending February 2, 2019 provided claimant is otherwise eligible. Benefits are denied after benefit week ending February 2, 2019 until such time as the claimant works in and has been paid wages for insured work equal to ten times claimant's weekly benefit amount.

Adrienne C. Williamson
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Decision Dated and Mailed

acw/rvs