

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ELLEN K JONES STAHL
Claimant

QHC MITCHELLVILLE LLC
Employer

APPEAL 16A-UI-03025-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/14/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 3, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment due to a personality conflict with her supervisor. The parties were properly notified of the hearing. A telephone hearing was held on March 30, 2016. The claimant, Ellen K. Jones Stahl, participated. The employer, QHC Mitchellville LLC, participated through Kim Mason, Administrator. Employer's Exhibit A was received and admitted into the record without objection.

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 was employed full time, most recently as an administrative assistant, from October 12, 2015, until this employment ended on January 6, 2016, when she voluntarily quit.

Claimant was hired as a social worker, and in December 2015, she transitioned to an administrative assistant role. Claimant wanted this position because she had been a medical secretary, and she had approached Mason prior to the former administrative assistant departing and expressed interest in the position. Becky, the former administrative assistant, provided claimant with training during her last two weeks of employment. Mason recalled that Becky prepared an agenda for each day of training, and Mason instructed claimant to stick with Becky those days to receive training. Mason testified that Becky reported claimant had issues remaining focused and attentive during the training she provided.

Claimant felt overwhelmed in the administrative assistant position. People were constantly coming to talk to her, and she felt hounded by Bruce Bjorn, acting administrator, and others. Claimant frequently posed questions to others at the facility, and no one could answer her questions or where to put things. She often had to reach out to the employer's other facilities for assistance. Mason testified that claimant was permitted to direct questions to everyone in the

home office (as all of those employees were familiar with the administrative assistant duties) and each of the administrative assistants in the other facilities.

Claimant never reported any issues regarding Bjorn to human resources. Mason testified that both Nancy (the owner) and Angie fill human resources functions. Nancy's telephone number is posted and accessible to all employees. Claimant did report an issue related to the heat being out in her office. Once she reported it, she testified that it was fixed.

Claimant testified she "got up and left" after struggling to complete the hand census. Claimant had submitted a revised draft to Robin, and Bjorn then picked up the telephone and called Robin to see if claimant had properly done her job. Claimant testified Bjorn frequently hovered over her and critiqued her performance. Mason testified claimant sent an email to the employer's home office indicating she left her keys on the desk.

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. Benefits are withheld.

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(21) and (22) 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.

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). Claimant chose to leave her employment because she felt overwhelmed and because she disliked receiving scrutiny from her supervisor. While these may be reasonable complaints about a work environment, neither of these issues is sufficient good cause to quit employment.

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 intended to terminate her employment, and she emailed the home office, left her keys on her desk, and departed, clearly demonstrating that intention. Claimant had access to human resources, but she never reported any issues with her supervisor or sought assistance in hopes of improving her work environment. Claimant's decision to quit because she disliked her supervisor's feedback and supervision was not for a good-cause reason attributable to the employer. Benefits must be withheld.

DECISION:

The March 3, 2016, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Elizabeth Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/css