

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA A STEVENS
Claimant

APPEAL 17A-UI-01850-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AUTO SYSTEMS EXPERTS INC
Employer

**OC: 01/01/17
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(6) – Inability to Work with Other Employees
Iowa Admin. Code r. 871-24.25(21) – Dissatisfaction with Work Environment
Iowa Admin. Code r. 871-24.25(27) – Quit Rather Than Perform Assigned Work
Iowa Admin. Code r. 871-24.25(33) – Felt Work was not to Employer’s Standard

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 8, 2017 (reference 02) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit because she did not like the work environment. The parties were properly notified of the hearing. A telephone hearing was held on March 13, 2017. The claimant, Lisa A. Stevens, participated. The employer, Auto Systems Experts, Inc., participated through Brian Giles, Vice President of Operations.

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 assistant manager, from November 14, 2016, until January 6, 2017, when she quit effective immediately. Claimant believed that she was not receiving sufficient training to adequately perform her job. Giles testified that he arranged his schedule to provide her with one-on-one training every Friday. It was on one of these Fridays that claimant informed him she was quitting. Claimant received one write-up during her employment that she attributes to insufficient training. Claimant’s job was not in jeopardy due to her work performance or any other reason. Claimant’s hourly pay was reduced by approximately one dollar, as claimant was not performing the full assistant manager responsibilities at her store. Giles testified that this was not a permanent change.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant separated from employment 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. 871-24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

In general, a substantial pay reduction of 25 to 35 percent or a similar reduction of working hours creates good cause attributable to the employer for a resignation. *Dehmel v. Emp't Appeal Bd.*, 433 N.W.2d 700 (Iowa 1988). Here, claimant's hourly rate was reduced by less than ten percent after the onset of her employment. This reduction does not amount to a substantial change in her contract of hire.

Iowa Admin. Code r. 871-24.25 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:

(6) The claimant left as a result of an inability to work with other employees.

...

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

...

(27) The claimant left rather than perform the assigned work as instructed.

...

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

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 dealt with coworkers who were frustrated and impatient with her, due to her lack of knowledge about the industry. While this was understandably frustrating for claimant, the average person in claimant's situation would not feel compelled to end her 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 told Giles that she was quitting and she never returned to work. Claimant's decision to end her employment because she disliked her coworkers and felt she did not have enough training was not for a good cause reason attributable to her employer. Benefits are withheld.

DECISION:

The February 8, 2017 (reference 02) unemployment insurance decision is affirmed. Claimant separated from 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 A. Johnson
Administrative Law Judge

Decision Dated and Mailed