

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MONIKA AGIC
Claimant

APPEAL 16A-UI-05680-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ATHENE EMPLOYEE SERVICES LLC
Employer

**OC: 05/01/16
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 17, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit work for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on June 8, 2016. The claimant, Monika Agic, participated. The employer, Athene Employee Services, L.L.C., participated through Tina Finn, HR consultant.

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 as a QA analyst from November 30, 2015, until this employment ended on April 29, 2016, when she resigned and worked out a two-week notice period.

Claimant resigned because she did not believe she was performing her job well and because of the stress she was experiencing. Claimant's mentor quit shortly after she was hired, and she did not feel she had sufficient support in her work environment. Claimant had difficulty working with the contractors and contracting companies from India, and she felt that she got blamed for things that were outside of her control. When claimant raised this concern with her supervisor, the supervisor replied that claimant just needed to have thicker skin. Additionally, claimant's stress level was causing her some medical issues. She testified that she had no available PTO and indicated her manager was unhappy because she missed work. The employer testified claimant was paid out 15 hours of PTO on her final paycheck and stated claimant accrued six hours of PTO during each semi-monthly pay period.

Finn testified the employer has multiple benefits available to employees with health concerns, including FMLA, short-term disability benefits, and the employee assistance program. Claimant would have been notified about these benefits shortly after she was hired. Claimant never asked her supervisor or HR for an accommodation or additional leave.

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(33) and (37) 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 § 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:

(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.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

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). Here, claimant chose to leave her employment because she was experiencing stress-related health issues and because she believed her job was in jeopardy because she was getting blamed for various issues. Claimant did not provide any evidence showing her treating physician told her to leave her employment, nor did she avail herself of the employer's various leave benefits or the reasonable accommodation process. There is no evidence that claimant was at risk of losing her job had she not resigned. Claimant has not shown her decision to leave her employment is attributable to her employer.

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 her manager she was resigning and followed up with an email documenting her resignation. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The May 17, 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/pjs