

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A RINIKER
Claimant

APPEAL NO. 11A-UI-03406-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTHEAST IOWA COMMUNITY COLLEGE
Employer

**OC: 02/13/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated March 17, 2011, reference 01, which held the claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 8, 2011. The claimant participated. The employer participated by Kristi Streif, admissions manager; Linda Peterson, dean of students; and Julie Huiskamp, director of human resources. The record consists of the testimony of Patricia Riniker; the testimony of Julie Huiskamp; the testimony of Kristi Streif; the testimony of Linda Peterson; Claimant's Exhibits A through B; and Employer's Exhibits 1 through 6.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is one of fifteen community college districts in Iowa. The district has several campuses. The claimant worked in the admissions office located in Peosta, Iowa. The claimant worked for the employer for approximately 31 years. Her last day of actual work was January 28, 2011. The claimant voluntarily resigned her position and the effective date was February 7 2011. The claimant used up some of her vacation days between the last day of work and February 7, 2011.

The claimant did not give a specific reason for her resignation in her written letter. (Exhibit 1) She told Kristi Strief, her supervisor, that she would be taking care of her new grandchild and helping her husband in his business. She gave these same reasons to Linda Peterson in her exit interview. The employer accepted the claimant's written resignation. Work was available for the claimant at the time of her resignation.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in this case is uncontroverted that it was the claimant who initiated the separation of employment. The claimant submitted a written resignation and her employer accepted that resignation. At the time of her resignation, the claimant cited personal reasons, such as caring for a new grandchild and helping her husband in his business.

At the hearing, however, the claimant testified that the real reason for her resignation was stress from her workload. The source of the claimant's dissatisfaction was another employee named Val, who was a part-time employee in the admissions office and who had the same duties as the claimant. One of the primary responsibilities the two women shared was processing applications for admissions and transcripts. Since 2003, the claimant felt that Val did not do her job and that the claimant had to pick up extra work to make up for the work that Val was not getting done. The claimant complained about what she perceived as an imbalance in their respective workloads. The claimant felt that different rules applied to Val and that her complaints about Val were never addressed by the employer.

Kristi Streif, the claimant's supervisor, acknowledged that the claimant did make complaints about Val. Some specific performance issues were addressed by Ms. Streif. In addition, Ms. Streif evaluated both the claimant's and Val's workload and did not see an imbalance. Ms. Huiskamp explained that Val was a part-time employee and worked at a lower pay grade than the claimant. The claimant was never asked to work more than 40 hours per week or to miss lunch or breaks. She also emphasized that the work did not specifically belong to the claimant and Val, with each having their own defined workload, but that the work belonged to the office and both employees were responsible for doing the work within their respective schedules.

If an employee perceives that she is working harder than another employee, it can create frustration. However, every employee has strengths and weaknesses and while the claimant may have felt that Val's performance was sub-par, the employer did not share her opinion. The claimant's responsibility was to focus on doing her own job and not to become pre-occupied with her colleague's shortcomings. She made known her views to her employer and the evidence established that the employer considered those complaints and made adjustments when necessary. There is no evidence that the employer acted irresponsibly when presented with legitimate concerns from the claimant.

A final issue in this case is whether the claimant was "forced" to resign earlier than she intended. The claimant testified that she wanted to stay until June 30, 2011, so that she still had

health insurance. The employer's witnesses all testified that the claimant never voiced this desire and indeed it is not in her written resignation. All of the employer's witnesses further stated that if the claimant had said something about staying until June 2011, the employer would have worked with her to make this happen. There is no credible evidence that the claimant was forced to resign earlier than she planned. Her letters clearly show that she intended to resign once the issue of her unused vacation was resolved.

The administrative law judge concludes that the claimant voluntarily left without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated March 17, 2011, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw