

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MICHELLE R MAYER**  
Claimant

**ARMORED GARDENS LLC**  
Employer

**APPEAL 20A-UI-00503-S1-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/27/19**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Michelle Mayer (claimant) appealed a representative's January 9, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Armored Gardens (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 4, 2020. The claimant participated personally. The employer participated by Dan Bush, Owner.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 9, 2019, as a part-time kitchen employee. The employer started employees on the register and then moved them to more difficult tasks and they progressed.

The claimant enjoyed the female supervisor whom she worked with at the beginning of her employment. Later, that female supervisor left and was replaced by a male supervisor. The claimant did not get along with some of her male co-workers. She did not have the aptitude to progress to other tasks beyond the cash register and complained to the owner. The owner explained the situation and told her to have a conversation with her supervisor.

On or about October 13, 2019, the supervisor and the claimant had a discussion. The claimant felt as if the supervisor was reprimanding her. On October 15, 2019, the claimant called the restaurant during the dinner rush and quit. She said she was quitting because it wouldn't work for her. Continued work was available for her had she not quit.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.
- 2.

Iowa Admin. Code r. 871-24.25(28) 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.
- (28) The claimant left after being reprimanded.

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). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work. When an employee quits work after having been reprimanded, her work environment or because of a conflict with a supervisor, her leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded, her work environment, and because she had a conflict with her supervisor. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's January 9, 2020, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs