

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VERONICA M HARPER**  
Claimant

**APPEAL NO. 07A-UI-01356-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IMAGE TRANSFORM LTD**  
Employer

**OC: 04/02/06 R: 02**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Veronica M. Harper (claimant) appealed a representative's January 29, 2007 decision (reference 06) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Image Transform Ltd. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 21, 2007. The claimant participated in the hearing with her witness, Jenna Van Wyk. Nancy Cherkas, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in late May 2006. The claimant worked as a full-time employee. S.G. supervised the claimant.

The claimant did not notice problems with the work environment until October 2006. At various times, S.G. yelled at the claimant and other employees. S.G. raised her voice when she became upset or excited. The claimant did not appreciate the way S.G. talked to her about problems. The claimant felt as though S.G. downgraded the claimant's work and her personally.

Although the claimant and her witness asserted they talked to Cherkas about the hostile work environment, Cherkas does not remember the claimant telling her about any specific problems with S.G. or that the claimant considered the work environment hostile.

In early January, prior to January 9, 2007, the claimant talked to Cherkas about loaning the claimant some money. Even though the claimant asserted S.G. still yelled and downgraded the claimant to the point the claimant felt she was working in a hostile work environment, the claimant did not talk to Cherkas about these problems.

On January 9, Cherkas talked to the claimant about using the Internet at work for personal reasons. The employer had observed the claimant on the Internet for over two hours one day. Cherkas warned that claimant she could be discharged if she did this again. Later that day or the next day, the employer received an email from the claimant indicating she was resigning effective immediately. The claimant said she was resigning because of a hostile work environment.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). However, the law also presumes a claimant quits without good cause when she quits after being reprimanded. 871 IAC 24.25(28).

The claimant's testimony that she quit because of a hostile work environment is not credible. There may have been times S.G. raised her voice or even yelled at the claimant when the claimant made a mistake, but, according to the claimant, this had been happening since October. The claimant talked to the owner, who is also S.G.'s mother, in early January 2007 about a personal loan. If the situation was so intolerable at that time, it is difficult to understand why the claimant did not ask the owner to do something about this situation. When the claimant asked for the personal loan, the employer understood she would make monthly payments to repay the loan. The more likely scenario in this case is that the claimant did not believe the employer treated her fairly when the employer gave her a verbal warning about using the Internet at work for personal reasons. The claimant testified she made the decision to quit the same day she submitted her resignation. Since she submitted her resignation immediately after the employer gave her a verbal warning, a preponderance of the evidence establishes she quit because the employer reprimanded her. As a result, the claimant did not establish that she quit for reasons that qualify her to receive unemployment insurance benefits. As of January 7, the claimant is not qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's January 29, 2007 decision (reference 06) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 7, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw