

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LISA C FULLER

Claimant

HORMEL FOODS CORPORATION

Employer

APPEAL 14A-UI-08178-G

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/13/14

Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 1, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held in Spencer, Iowa on September 23, 2014. Claimant participated in person and by T.J. Braunschweig, Attorney at Law. Employer participated in person by Frank Velazquez. Employer's Exhibit One and Claimant's Exhibits A through C were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 11, 2014. Claimant resigned on that date with no additional notice.

A meeting had been held on June 24, 2014 with claimant, her co-workers and her supervisors. The co-workers explained problems they were having with claimant at work. Claimant over the past two years had gotten upset and had engaged in loud and abrupt outbursts at work. The meeting was held in an effort to provide an open forum between claimant and her co-workers so they could clear the air. Employer thought it would be good for claimant to have a chance to explain what had happened, and give co-workers a chance to explain the problems they were having with her loud and abrasive outbursts.

Claimant became defensive during the June 24, 2014 meeting, and got upset. Claimant felt betrayed by her co-workers, and did not agree with their comments. She left work on that date and sought medical treatment for work-related stress.

Claimant returned to work on July 11, 2014 and met with her supervisors. During that meeting claimant was asked to come to work and make efforts to get along with her co-workers.

Claimant explained that she was feeling anxiety and stress at work, and it would better for her if she submitted her resignation from work at that time.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was unhappy with her work environment.

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(6), (21), (22), (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 § 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:

- (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.
- (22) The claimant left because of a personality conflict with the supervisor.
- (28) The claimant left after being reprimanded.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

“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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

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. Benefits must be denied.

DECISION:

The decision of the representative dated August 1, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until 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.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/pjs