

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

CARLA SHREVE
Claimant

APPEAL 22A-UI-10585-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HOPSICE OF SIOUXLAND
Employer

**OC: 03/20/2022
Claimant: Appellant (5R)**

Iowa Code § 96.5(1) - Voluntary Quit
Iowa Code § 96.5(2)a - Discharge for misconduct
Iowa Admin. Code r. 871-24.25(37) - Resignation Accepted
Iowa Admin. Code r. 871-24.25(21) - Dissatisfaction Work Environment
Iowa Admin. Code r. 871-24.25(22) - Personality Conflict with Supervisor

STATEMENT OF THE CASE:

Carla Shreve, claimant/appellant, filed an appeal from the April 18, 2022, (reference 01), unemployment insurance decision that denied benefits due to a voluntary quit on 03/02/22, without good cause to the employer. The parties were properly notified about the hearing. A telephone hearing was held on June 13, 2022, at 9:00 AM. Claimant personally participated. Employer, Hospice of Siouxland participated through Brenda Smalley, human resources manager and party representative, and Julie Kinnaman, business coordinator. Judicial notice was taken of the administrative record. Exhibits C-1 (resignation letter), C-2 (list of dates and incidents), C-3a (possibly a duplicate of C-2), b (C-2 with additional notes), and R-1 (nine documents) was admitted.

ISSUES:

Was the separation a layoff, discharge for misconduct or a voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony and reviewed the evidence in the record, the administrative law judge finds: Claimant was a full-time business office assistant with a set schedule. She started her employment on June 15, 2020. Her last date worked was February 4, 2022, when claimant stopped coming into work until she received a left-handed mouse. Claimant disliked the work environment and chronicled many issues that gave her concern. None of the issues chronicled in claimant's exhibits gave rise to claimant telling her employer if they did not rectify the problem, she would quit. During testimony, the left-handed mouse rose to the level of claimant refusing to come in unless she got one. However, there was issues in claimant not following protocol (doctor's note) that once finally provide, resulted in a left-handed mouse being issued, but claimant did not return to work.

Claimant gave notice to her employer that she would be quitting effective March 16, 2022. The employer accepted her resignation notice (C-1) and consider her date of separation as March 16, 2022. Employer paid claimant accrued PTO in March 2022, due to the notice; even though the last date worked was 02/04/22. Claimant's resignation referred to her "health issues" and did not refer to any workplace issues.

During the hearing, claimant addressed matters that she asserted were harassing or discriminatory in nature, when they were more workplace issues (whether one can park in an alleyway) or personality conflicts with a supervisor.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation 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(21) 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 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.

(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).

Claimant resigned and the resignation was accepted. Her resignation letter addressed "health issues" and not any work environment dissatisfaction or personality conflict with her supervisor. Her health issues were caused by her work.

Employer's versions of event were more credible than claimant's versions. One example is claimant stated employer wanted her to carry the company cellphone with her over her lunch hour and work, if need be, yet the employer asserted the opposite and provided an email telling claimant she had to take her lunch and should leave the cellphone behind.


During the hearing, claimant asserted issues that came down to her not being happy with her work environment and not her having a personality conflict with her supervisor. While claimant may have had good reasons to quit, the issues asserted were not a good cause reasons attributable to the employer. As such, benefits must be denied due to the voluntary quit on March 16, 2022.

DECISION:

The April 18, 2022, (reference 01), unemployment insurance decision that denied benefits due to a voluntary quit on 03/02/22, is **MODIFIED** to denying benefits due to a voluntary quit on 03/16/22. 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.

REMAND:

This matter is remanded to the Benefits Bureau to determine whether further action is warranted such as an initial interview and decision regarding whether claimant was able and available to work. Claimant's last day of work was February 4, 2022, and a physician placed restrictions on her ability to work around this time, such as no typing for more than 15 minutes, rest for 15 minutes for up to six months. There may have been other restrictions.



Darrin T. Hamilton
Administrative Law Judge

August 16, 2022

Decision Dated and Mailed

dh/ac

NOTE TO EMPLOYER:

Employer provided an updated address during the hearing, switching to Cook Street and an updated zip code. Both addresses are on the first page of this decision. Employer was advised to contact IWD customer service at 1-866-239-0843 as soon as possible to update their contact information so it can be done system wide and not just in this one decision. The old address is for employer's unemployment agent and the new address is the employer.

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.