

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NANCY A KURT**  
Claimant

**APPEAL NO. 10A-UI-17095-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CEDAR RAPIDS  
SCHOOL OF HAIRSTYLING INC**  
Employer

**OC: 11/14/10**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Nancy A. Kurt (claimant) appealed a representative's December 7, 2010 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Cedar Rapids School of Hairstyling, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 27, 2011. The claimant participated in the hearing. Terry Millis appeared on the employer's behalf and presented testimony from one other witness, Jackie Cleppe. One other witness, Nina Goersch, was available on behalf of the employer but did not testify. 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 for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on February 20, 2009. She worked part-time as an instructor. Her last day of work was September 28, 2010. She voluntarily quit on October 1, 2010.

The claimant cited a hostile or critical work environment as her primary reason for quitting. Related to that were issues of feeling she was "picked on," unprofessionalism, and lack of training. The only current issue occurring in September 2010 that brought the claimant's feelings to a head, however, dealt with the question of obtaining the necessary refresher training needed to be able to teach a particular ethnic hairstyle.

The claimant had learned how to do that hairstyle when she was in school at the employer's facility approximately six years prior to returning as a teacher. When she was hired as a teacher, she and Ms. Cleppe, the school director, discussed the fact that the claimant had not done that hairstyle essentially since leaving school; Ms. Cleppe had indicated that not being fresh on how to do that style was "fine for now," but indicated she would need to be refreshed

on how to do that style at some point. In about November 2009, the employer began insisting that the claimant obtain the necessary refresher training.

When the claimant had not gotten the refresher training accomplished by September 2010, the relations between the claimant and Ms. Cleppe became more tense. On September 28 and September 29, there were conversations between them in which Ms. Cleppe questioned why the claimant was copying documents from the school office until the claimant explained that it was simply a copy of a class syllabus. Ms. Cleppe then told the claimant she had 30 days to accomplish the refresher training.

The claimant learned that at least one student had overheard a conversation in which another instructor, Ms. Goersch, had mentioned that the claimant had been given a 30-day deadline or should would be discharged. She felt this was unacceptably unprofessional, and determined that she both could not accomplish getting the refresher training done within the 30 days, and could no longer continue working for the employer. As a result, on October 1 she informed the employer that she was quitting.

#### **REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant's complaints regarding the employment "do not surpass the ordinary tribulations of the workplace." While the claimant's work situation was perhaps not ideal, she has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative's December 7, 2010 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of October 1, 2010, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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