

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DAWN D DOUGLAS**  
Claimant

**CEDAR RAPIDS – ST PIUS X**  
Employer

**APPEAL 21A-UI-10831-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment

**STATEMENT OF THE CASE:**

On April 19, 2021, the claimant, Dawn D. Douglas, filed an appeal from the April 15, 2021 (reference 03) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held at 10:00 a.m. on Tuesday, July 13, 2021. The claimant, Dawn Douglas, participated. The employer, Cedar Rapids – St. Pius X, participated through Geri David, Bookkeeper; and hearing representative Paul Jahnke represented the employer. No exhibits were offered or admitted into the record.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a food service assistant, from October 20, 2019 until February 26, 2021, when she quit. Claimant gave verbal notice to her immediate supervisor, Dawn Bliss, and to David approximately three weeks prior to her intended end date. Claimant also submitted a formal resignation letter on February 22, 2021. Claimant was allowed to work through February 26, 2021. Continued work was available for claimant, had she not resigned from employment.

Claimant gave three reasons for ending her employment. First, claimant was dissatisfied with her rate of pay. When claimant was hired, she earned \$11.00 per hour. Claimant received several small raises during her employment. At the time she resigned, she was earning \$11.53 per hour. The parties agree that claimant's compensation was never lowered during her employment.

Second, claimant was concerned about COVID-19 exposure. Claimant worked in the school cafeteria, and she worked in somewhat close quarters with other employees while preparing and serving lunch on a daily basis. The employer required all employees and students to wear

masks, they implemented social distancing when possible, and they minimized contact between the cafeteria staff and students. Additionally, the employer effectively handled any COVID-19 exposure that did occur within the school in order to minimize the spread of the virus. Claimant believed that the employer should have had fewer employees working in the kitchen to reduce the risk of passing the virus.

Third, claimant was unhappy with the way her manager talked to her. Claimant described this as her manager "talking 'at' me instead of talking 'to' me." This led to claimant feeling disrespected. She mentioned this to "the boss" several months after she started her employment at the school, and conditions never improved. Claimant never went back to "the boss" to report that conditions had not improved. She never reported that she intended to quit if the situation did not get better.

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

For the reasons that follow, the administrative law judge concludes claimant's separation is 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 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: ...

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

...

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

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). Where multiple reasons for the quit, which are attributable to the employment, are presented the agency must "consider that all the reasons combined may constitute good cause for an employee to quit, if the reasons are attributable to the employer." *McCunn v. Empl. Appeal Bd.*, 451 N.W.2d 510 (Iowa App. 1989) (citing *Taylor v. Iowa Dept. of Job Serv.*, 362 N.W.2d 534 (Iowa 1985)). "An employee may choose to leave employment for several reasons, with each reason important in the decision to quit." *Taylor*, 362 N.W.2d at 540.

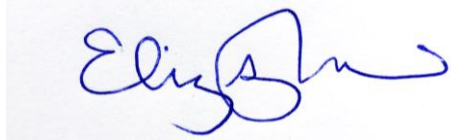
Here, claimant offered three reasons for quitting her employment: dissatisfaction with her pay; concerns about COVID-19; and dislike of her supervisor. Claimant understandably wanted to earn more money. However, she knew the rate of pay when she was hired and the employer had not changed the rate of pay to her detriment during her employment. Claimant, like many people, was concerned about contracting COVID-19. However, her employer was taking numerous precautions to protect employees. Claimant's suggestion that the employer decrease the size of the food service staff was not a realistic request.

Finally, claimant was unhappy with the way her supervisor treated her. An employee is entitled to be treated with dignity and respect at work, just as an employer is entitled to expect dignified and respectful behavior of its employees. Claimant did not provide any concrete description or examples of disrespectful, rude, or inappropriate behavior from her supervisor. She has not met her burden of proving that she suffered intolerable working conditions that would make her quitting employment attributable to the employer.

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). Claimant gave verbal notice that she was resigning, followed by a written resignation letter. She then left her employment on her intended end-of-employment date. While claimant may have had good personal reasons for leaving, the administrative law judge finds she has not established she had good cause that is fairly attributable to her employer. Benefits are withheld.

**DECISION:**

The April 15, 2021 (reference 03) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. 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.



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July 22, 2021  
Decision Dated and Mailed

lj/mh