

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA FONSECA
Claimant

APPEAL NO: 13A-UI-10095-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

SAC & FOX TRIBE
Employer

OC: 08/04/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 27, 2013, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 1, 2013. The claimant participated in the hearing with her sister and former fellow employee, Consuelo Aguilera. Azadeh Tavakoli, Human Resources Director and Amy Rahn, Supervisor, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time receptionist for Sac & Fox Tribe from September 8, 2010 to August 8, 2013. On August 2, 2013, the claimant gave the employer her two-week resignation notice stating she planned to return to school so she could earn more money in the future. She then had a family issue and her last day was August 8, 2013.

The claimant stated she was dissatisfied with her rate of pay even though she knew what her wages would be when she accepted the position. She did need to make more money to support herself and her family but the employer could not offer her a raise at that time.

The claimant was also upset because she felt left out of interoffice personal talk after new commissioner Jeanette Youngbear started. Ms. Youngbear was difficult to work with and the claimant was uncomfortable after the office atmosphere changed when Ms. Youngbear began her employment in June 2012. The claimant did not make a complaint to human resources about Ms. Youngbear because it was effectively career suicide to take on a commissioner.

The claimant is now a full-time student at Marshalltown Community College.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2.

While the claimant was unhappy with Ms. Youngbear, she worked with her for over one year before deciding to leave her job and return to school. She was more dissatisfied with her rate of pay, which she knew at the time of hire, than about the situation with Ms. Youngbear. The claimant is now a full-time student and would not be eligible for benefits regardless because she is not considered able and available to work to the same extent or hours she previously worked because she is in school. Additionally, if her leaving was simply about Ms. Youngbear the claimant would have left earlier. Instead, her leaving coincided with the start time of her new school. Although, the administrative law judge commends the claimant for recognizing the value of an education and returning to school for the long-term financial and other benefits she will gain, she had not demonstrated that her leaving was due to good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The August 27, 2013, reference 01, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs