

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRENDA K GLUCK**

Claimant

**APPEAL NO: 13A-UI-07373-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WINEGARDNER & HAMMONS**

Employer

**OC: 05/26/13**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Brenda K. Gluck (claimant) appealed a representative's June 14, 2013 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Winegardner & Hammons (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 26, 2013. The claimant participated in the hearing. Dwann Wilson appeared on the employer's behalf. 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?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The claimant started working for the employer on February 25, 2013. She worked full time as executive housekeeper at the employer's Davenport, Iowa hotel. Her last day of work was May 30, 2013. She voluntarily quit on that date.

The claimant's stated reason for quitting was a hostile work environment. She felt she had not received enough training that that she was likely to be discharged. She was unhappy that Wilson, the human resources director, had some weeks prior to May 30 made a comment in front of the claimant's subordinates regarding the claimant not doing some functions correctly. She had just had a 90-day evaluation and review in which she expressed frustration with catching on to the employer's more computerized method of operation. In the evaluation the employer did not indicate that the claimant's job was in jeopardy; rather, an action plan was developed in which the claimant was to take various action to seek to improve in a number of areas.

After the claimant further considered the action plan, she determined that she was not going to be able to succeed and that she would be discharged, so she resigned. The employer had made no plans to discharge the claimant and her job had remained available to her had she not quit.

#### **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 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). Rather, her complaints do not surpass the ordinary tribulations of the workplace. The claimant has not satisfied her burden. Benefits are denied.

#### **DECISION:**

The representative's June 14, 2013 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of May 30, 2013, 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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