

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**KIM A COOK  
2208½ ROOSEVELT ST  
CLINTON IA 52732**

**NEW CHOICES INCORPORATED  
NCI  
2501 – 18<sup>TH</sup> ST STE 201  
BETTENDORF IA 52722**

**Appeal Number: 06A-UI-07085-JTT  
OC: 06/11/06 R: 04  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kim Cook filed a timely appeal from the July 6, 2006, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 25, 2006. Ms. Cook participated. Joe York represented the employer. Claimant's Exhibit A was received into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Kim Cook was employed by New Choices as a full-time treatment supervisor. The employer provides community-based services to ill and handicapped individuals in group homes. Ms. Cook supervised one of the homes. On May 24, 2006, Ms. Cook submitted her written resignation to Director Joe York and indicated her last day would be June 9, 2006.

Ms. Cook did not get along with her immediate supervisor, Jennifer Brown-Chase, and thought Ms. Brown-Chase rude and non-supportive. Director Joe York had not heard other employees express such concerns about Ms. Brown-Chase. Towards the end of Ms. Cook's employment, the employer was implementing changes to better document and track the work performed by home supervisors such as Ms. Cook. This increased Ms. Cook's perception that Ms. Brown-Chase was rude and non-supportive.

On May 18, Director Joe York met with Ms. Cook and Ms. Brown-Chase to discuss the difficulties in their relationship and other related matters. One issue addressed during the meeting was a written complaint received from staff member Kristina Craft about Ms. Cook. Ms. Craft had been in a personal relationship with Ms. Cook's son at the time New Choices hired Ms. Craft. Ms. Craft had subsequently broken up with Ms. Cook's son. Ms. Craft had moved to a new address and did not want Ms. Cook's son to have her new address information. Ms. Cook had functioned as Ms. Craft's supervisor until Ms. Craft requested to be moved to a different home. Ms. Craft's complaint expressed concern that Ms. Cook had inappropriately provided Ms. Craft's updated address to Ms. Cook's son. In the course of the May 18 conference, Ms. Brown-Chase indicated that Ms. Craft had expressed concern for her safety. Ms. Brown-Chase said, "I think there were some domestic issues." Ms. Cook took great offense at the comment. The purpose of discussing the matter with Ms. Cook had been to reinforce to Ms. Cook the confidential nature of information Ms. Craft, as an employee, had provided to the employer. After the meeting, Ms. Cook told her son that Ms. Craft had accused him of domestic abuse. Based on the information received from Ms. Cook, Ms. Cook's son telephoned Ms. Craft and challenged her on the matter. Ms. Craft again complained to the employer about a breach of her confidentiality and provided the employer with a tape-recording of the call from Ms. Cook's son.

On May 19, Ms. Brown-Chase approached Ms. Cook and asked whether Ms. Cook had shared information from the May 18 conference with Ms. Cook's son. Ms. Cook perceived this to be yet another instance of Ms. Brown-Chase being "mean and rude."

Thereafter, Ms. Cook called in sick for two days due to hay fever. On May 24, Ms. Brown-Chase telephoned Ms. Cook to offer Ms. Cook assistance in lining up employees for a new group home. This preparation was part of Ms. Cook's assigned duties, but was not going forward due to Ms. Cook's absence from work. Ms. Cook perceived this offer of assistance as yet another instance of Ms. Brown-Chase being "mean and rude" and drafted her resignation letter.

Though Ms. Cook's resignation letter indicated she would work through June 9, Ms. Cook's last day of work was May 31. The employer nonetheless paid Ms. Cook through Friday, June 9. Ms. Cook established her claim for unemployment benefits the next week.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Cook voluntary quit was for good cause attributable to the employer. It does not.

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.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993).

However, quits prompted by a personality conflict with a supervisor are presumed to be without good cause attributable to the employer. See 871 IAC 24.25(22).

The evidence in the record does not establish intolerable or detrimental working conditions that would have prompted a reasonable person to quit the employment. Instead, the evidence indicates that the quit was prompted by Ms. Cook's personality conflict with her supervisor, Ms. Brown-Chase. Ms. Cook's testimony and resignation letter reveal a person eager to find fault in others, but slow to recognize similar faults in herself. The employer behaved reasonably in addressing with Ms. Cook confidentiality concerns raised by Ms. Craft. The employer behaved reasonably in making certain its work continued to move forward despite Ms. Cook's absence from the work place. Ms. Cook behaved unreasonably in consistently jumping to the conclusion that the employer's comments were meant as personal attacks when they were not.

The evidence in the record indicates that Ms. Cook voluntarily quit the employment without good cause attributable to the employer. Ms. Cook is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Cook.

DECISION:

The Agency representative's July 6, 2006, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

jt/pjs