

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TINA MUHAMMAD
Claimant

APPEAL NO: 08A-UI-07501-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITIFINANCIAL SERVICES INC
Employer

OC: 06-29-08 R: 02
Claimant: Respondent (2-R)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the August 13, 2008, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 3, 2008. The claimant participated in the hearing. Vicky Chapin, District Manager; Susan Huffman, Branch Manager; and Barb Hamilton, Employer Representative, 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 branch account manager for CitiFinancial Services from July 3, 2007 to June 30, 2008. On May 20, 2008, the claimant submitted her resignation notice. Her letter stated she was quitting due to the welfare of her children and the fact she did not agree with the direction of the branch and did not agree with her supervisor's "micro-managing." The claimant received a raise in March 2008. She was getting subsidized childcare because of her income and when she received the raise she lost her childcare. She was also upset that she was expected to finish her collections before doing anything else and she was "sick of it." She complained to the district manager stating it affected collections and morale. The district manager responded that she should look at ways to get through the collections faster. Employees also started having to work later at the end of the month and some Saturday mornings. The employer considered the claimant an excellent employee and did not want her to leave so it sat down with her and discussed her hours and if there was a way to keep her. They asked the claimant to identify what changes would help and the following day the claimant submitted her resignation. The claimant was interested in a transfer because she did not get along with her supervisor but there were no available openings. Shortly after she submitted her resignation her supervisor discussed two different schedules with her and the claimant expressed interest but her supervisor said she needed to discuss the change with the other employees and they would speak again the following Monday. The other employees balked at

the idea of the claimant having a different schedule and her supervisor told her it would not work out. The claimant told her supervisor that the change in hours would not be enough to solve all of her problems with her employment and consequently the claimant's resignation stood.

The claimant has claimed and received unemployment insurance benefits since her separation from this employer.

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. The first reason listed by the claimant for her leaving was the fact she received a raise and lost her subsidized childcare. While the loss of childcare was unfortunate, the employer can hardly be faulted for giving the claimant a raise because it considered her an excellent employee. Additionally, childcare is the employee's responsibility and the claimant's childcare issues are not considered a good cause reason for leaving. The claimant's other complaints, the direction of the branch and being micro-managed by her supervisor, demonstrate a dissatisfaction with the work environment rather than unlawful, intolerable or detrimental work conditions as those terms are defined by Iowa law. Under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer. Therefore, benefits are denied.

The unemployment insurance law provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. However, the overpayment will not be recovered when it is based on a reversal on appeal of an initial determination to award benefits on an issue regarding the claimant's employment separation if: (1) the benefits were not received due to any fraud or willful misrepresentation by the claimant and (2) the employer did not participate in the initial proceeding to award benefits. The employer will not be charged for benefits whether or not the overpayment is recovered. Iowa Code section 96.3-7. In this case, the claimant has received benefits but was not eligible for those benefits. The matter of determining the amount of the overpayment and whether the overpayment should be recovered under Iowa Code section 96.3-7-b is remanded to the Agency.

DECISION:

The August 13, 2008, reference 01, decision is reversed. 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