

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**STEPHANIE A RENFRO**  
Claimant

**APPEAL 17A-UI-02495-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE IOWA CLINIC PC**  
Employer

**OC: 02/12/17  
Claimant: Appellant (1)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 1, 2017, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on March 29, 2017. Claimant participated. Employer did not respond to the hearing notice instruction and did not participate.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time appointment specialist from September 30, 2013, through February 15, 2017. On January 27 her car was vandalized in the employer's parking lot while she was working. Someone wrote "HM" on the driver's side window and the windshield was cracked. She was able to wash off the lettering. The car was locked and nothing was stolen. There are no surveillance cameras in the parking lot. Claimant filed a police report and told the employer whom she suspected, but did not know, did the vandalism. She asked human resources to meet with the people who she thought might have seen what happened. She wanted the employer to "make [her] feel safe" like they had with another employee when they sent an e-mail to coworkers after a domestic violence situation at work. Claimant experienced stress after the event but did not seek medical attention or receive medical advice to quit the employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

**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:

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

The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, No. 15-0104, 2016 WL 3125854 (Iowa June 3, 2016). The 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).

The claimant's decision to quit because she did not agree with how the employer reacted to the vandalism to her vehicle was not for a good cause reason attributable to the employer. There is no evidence she was unsafe, she did not have medical advice to quit, and the employer is not expected to act in a law enforcement investigatory capacity when there were not surveillance cameras and claimant did not have credible information about whom she suspected. The employer's responses were reasonable. Minor parking lot vandalism does not call for the same level of response from an employer as does domestic violence carried out at the workplace.

**DECISION:**

The March 1, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/