

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE A KRAUSE
Claimant

APPEAL 15A-UI-05577-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TITLE SERVICES CORPORATION
Employer

**OC: 12/28/14
Claimant: Appellant (1)**

Iowa Code §96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.25(21) – Dissatisfaction with Work Environment

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the May 12, 2015, (reference 02) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 22, 2015. The claimant, Julie Krause, participated. The employer, Title Services Corporation, participated through Charles Augustine, Vice President and managing officer of the closing department.

ISSUE:

Was the separation from employment a voluntary quit with or without cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as an assistant closer from April 1, 2015, until April 8, 2015, when she quit because she did not like the position, did not like the work, and realized it was not a good fit. According to the claimant, the office environment was loud, chaotic and unprofessional. She could not concentrate or perform her duties in this environment. She believed that the work environment was misrepresented to her when she interviewed for the position. (Krause testimony)

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. Benefits are denied.

Iowa Code § 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(21) provides:

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The undisputed evidence established that this claimant intended to terminate her employment relationship and she carried out that intention. Although she may have had good personal reasons for leaving this employment, it was not for a good-cause reason attributable to the employer according to Iowa law. In other words, the claimant's decision to quit because she did not like the work environment was not for a good cause reason attributable to the employer. Benefits are denied.

DECISION:

The May 12, 2015, (reference 02) 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.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

ec/mak