

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MARTHA M GRUBBS**

Claimant

**APPEAL NO. 18A-UI-03952-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AT &T MOBILITY SERVICES LLC**

Employer

**OC: 03/11/18**

**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Martha Grubbs filed a timely appeal from the March 26, 2018, reference 01, decision that disqualified her for benefits and that held the employer's account would not be charged for benefits, based on the Benefits Bureau deputy's conclusion that Ms. Grubbs voluntarily quit on March 9, 2018 without good cause attributable to the employer. After due notice was issued, a hearing was held on April 24, 2018. Ms. Grubbs participated. David Williams of Equifax represented the employer and presented testimony through Jamie Durkop and Shelli Shaver. Exhibit. A was received into evidence.

**ISSUE:**

Whether Ms. Grubbs' voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Martha Grubbs was employed by AT&T Mobility Services, L.L.C. as a full-time customer service/sales representative from 2015 until March 12, 2018, when she voluntarily quit due to dissatisfaction with two supervisors, dissatisfaction with aspects of her work duties, and dissatisfaction with the work environment. Ms. Grubbs' duties involved taking inbound customer calls regarding billing issues and using those calls to resolve the customer's issue and to sell the customer additional AT&T services. Ms. Grubbs has been diagnosed with recurrent major depression, generalized anxiety disorder, and panic attacks. Ms. Grubbs' mental health diagnoses are non-work related, but colored her perception of workplace issues and factored in her decision to leave the employment. Ms. Grubbs did not like that the employer would periodically check with the customer service representatives to inquire whether they had made a recent sale. Ms. Grubbs asserts the employer checked every five minutes. The employer would periodically cycle through the call floor and inquire about sales, but the intervals between such contacts would be substantially longer than five minutes. Ms. Grubbs found such contact to be stressful. The employer measured employee performance based on conformance to the call procedure, rather than sales figures. Ms. Grubbs maintained appropriate production, was not subject to discipline, and her employment was not in jeopardy.

Ms. Grubbs' decision to leave the employment followed two group meetings during the last week of her employment. At a March 6 meeting, the employer announced that a new supervisor was assuming responsibility for Ms. Grubbs work area. Ms. Grubbs had spent about a week working in proximity to the new supervisor and believed that person was too inexperienced in the type of sales and customer service work Ms. Grubbs performed to be of much use to her. Ms. Grubbs experienced the change in supervisor as stress. This would be Ms. Grubb's fifth supervisor. At the March 9 meeting, Ms. Grubbs became upset when Shelli Shaver, Area Sales Manager, declined Ms. Grubbs' request for customer cancellation data that would show Ms. Grubbs why some customers who had placed orders with her on the phone had subsequently cancelled those orders. Ms. Shaver encouraged Ms. Grubbs to focus instead on making additional sales. Ms. Grubbs thought Ms. Shaver had used a condescending tone. Ms. Grubbs experienced a panic attack in connection with the March 9 meeting and left the workplace following the meeting. Ms. Grubbs then decided not to return to the employment. Ms. Grubbs decided that she either needed to request a leave of absence or leave the employment. Ms. Grubbs had taken an approved FMLA leave of absence toward the end of 2017 in connection with her mental health diagnoses. In January, Ms. Grubbs had spoken to her therapist and the pair had discussed the idea of Ms. Grubbs seeking other employment.

Prior to leaving the employment, Ms. Grubbs did not request any workplace accommodations for her mental health diagnoses beyond the earlier FMLA leave, which the employer's third party leave administrator had approved. Ms. Grubbs did not provide the employer with medical documentation to support a need for further accommodations. Ms. Grubbs did not provide the employer with medical documentation supporting her decision to sever the employment relationship. Ms. Grubbs did not tell the employer she would quit if the employer did not provide accommodations.

#### **REASONING AND CONCLUSIONS OF LAW:**

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992).

Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

- d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Workforce Development rule 817 IAC 24.26(6) provides as follows:

Separation because of illness, injury, or pregnancy.

a. Nonemployment related separation. The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician. Upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

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.

Iowa Admin. Code r. 871-24.25(22) 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:

(22) The claimant left because of a personality conflict with the supervisor.

The weight of the evidence in the record establishes a voluntary quit that was without good cause attributable to the employer. The evidence in the record fails to establish a medical necessity or a mental health necessity for Ms. Grubbs to separate from the employment in March 2018. Ms. Grubbs submitted a medical record concerning events on or about November 20, 2017. That document does not establish good cause for Ms. Grubbs' decision to leave the employment three and a half months later and more than two months after she had been released to return to work without restrictions following a leave of absence. Ms. Grubbs presented insufficient evidence to establish that she needed or requested workplace accommodations. Ms. Grubbs presented insufficient evidence to establish that a licensed and practicing physician or the equivalent advised her to leave the employment. The evidence establishes instead that Ms. Grubbs left because she did not want to deal with the new supervisor, no longer wished to deal with Ms. Shaver, and had grown dissatisfied with aspects of her work duties. Because the evidence in the record establishes a voluntary quit that was without good cause attributable to the employer, Ms. Grubbs 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.

**DECISION:**

The March 26, 2018, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The effective date of the quit was March 12, 2018. 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.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs