

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**KELLY C MAHONEY**  
Claimant

**BOULDERS INN FORT MADISON LLC**  
Employer

**APPEAL 16A-UI-02566-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/31/16**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Kelly C. Mahoney (claimant) filed an appeal from the February 19, 2016, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment because she did not like the work environment which is not a good cause reason attributable to Boulders Inn Fort Madison, LLC (employer). The parties were properly notified about the hearing. A telephone hearing began on March 24, 2016 and was concluded on March 29, 2016. The claimant participated on her own behalf. The claimant's witness did not answer when called at the number provided. The employer participated through General Manager Julie Hellman. Claimant's Exhibit A was received. Employer's Exhibit 1 was received.

**ISSUE:**

Did the claimant voluntarily quit the 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 part-time as a Front Desk Clerk beginning on September 22, 2014, and was separated from employment on November 15, 2015, when she quit. The claimant reported to General Manager Julie Hellman. Hellman works for the management company hired to manage the property. She reported to Cora Lair (sp) and Tim Stewart from the management company. Tony Baxter was an investor in the property and was not responsible for the day-to-day operations.

The claimant was responsible for covering the front desk, including the lobby area. She would also be responsible for communicating to the housekeepers if something needed to be done to a guest's room. The claimant was placed in her position through Vocational Rehabilitation. She had an injury that required her to move around on a regular basis.

On January 9, 2015, Hellman gave the claimant a performance evaluation and her overall rating was "Excellent." In May 2015, Hellman gave the claimant a verbal warning about not doing laundry on Sundays. She explained to the claimant that the front desk was busy those

mornings and she could not go to the back to do the laundry. The claimant tendered her resignation at that time. The claimant also spoke with Baxter about issues she and other employees were having with the way Hellman behaved at work. Baxter told her to report the issues to Lair or Stewart. Baxter did not tell Hellman that he had spoken with the claimant. The claimant did not speak with Lair or Stewart, but she did retract her resignation as she had not completed her requirements through Vocational Rehabilitation.

On October 5, 2015, Hellman gave the claimant another performance evaluation and a \$0.50 an hour pay increase. The claimant was given an overall rating of "Good" to "Excellent." During the meeting, she and Hellman again discussed the need for the claimant to remain in the front desk and lobby area. The claimant felt she was being retaliated against for speaking with Baxter and that Hellman was trying to get her to quit her employment. She also felt Hellman was refusing to accommodate her injury by not allowing her to walk around while working the front desk. The claimant and Hellman did not have any other discussions about the claimant's job duties at the front desk in November 2015.

On November 15, 2015, a guest left early and was not refunded any money. The claimant felt the guest was being treated unfairly as other guests had been refunded. Additionally, her co-worker Meghan who was to relieve the claimant had not reported to work in a timely fashion. Hellman was three hours away from the property and it was up to the associates to locate Meghan. The claimant notified Hellman via text message that another co-worker was able to reach Meghan who would be reporting to work at 2:00 p.m. The claimant also notified Hellman that this was her last day of work. The claimant did not give Hellman a reason, nor did she discuss any of the issues she had that day with Hellman.

#### **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(6), (21) and (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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

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

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

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

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). 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 claimant's decision to quit because she did not agree with the supervisor about various issues and did not like her work environment was not for good cause reasons attributable to the employer. The average person would not reasonably find the claimant's workplace was intolerable or detrimental. Given the stale dates of the other complaints, they are not individually addressed as claimant acquiesced to them by not raising concerns with her supervisor or quitting earlier when they arose. Accordingly, benefits are denied.

**DECISION:**

The February 19, 2016, (reference 01) unemployment insurance decision is affirmed. The 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.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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