

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SARA M MILLER

Claimant

CENTRUM VALLEY FARMS LLP

Employer

APPEAL NO. 19A-UI-08297-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/22/19

Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Sara Miller filed a timely appeal from the October 14, 2019, reference 01, decision that disqualified her for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that Ms. Miller voluntarily quit on September 19, 2019 without good cause attributable to the employer. After due notice was issued, a hearing was held on November 13, 2019. Ms. Miller participated. The employer did not comply with the hearing notice instructions to register a telephone number for the hearing and did not participate. Exhibit A were received into evidence.

ISSUE:

Whether the claimant's 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: Sara Miller was employed by Centrum Valley Farms, L.L.P. as a full-time Quality Assurance Technician, I in the employer's Food Safety department from 2017 until September 19, 2019, when she voluntarily quit. The two plants where Ms. Miller performed her work were located in Clarion. During the employment, Ms. Miller initially resided in Clarion, but then moved to Goldfield, Iowa. Arianna Cortes, SQF Practitioner, was Ms. Miller's supervisor.

On September 18, 2019, Ms. Miller notified Ms. Cortes by text message that she would be quitting the employment effective October 2, 2019 because she was moving. Ms. Cortes requested that Ms. Miller provide her resignation information on a company resignation form. On September 19, 2019, Ms. Miller signed a resignation form that stated her last day would be October 2, 2019 and that she was leaving the employment because she was moving. Later that day, Ms. Cortez verbally reprimanded Ms. Miller for alleged failure to follow policy and for comments Ms. Cortez thought Ms. Miller had made to others in the workplace. In response to that interaction, Ms. Miller elected to make her quit effective immediately and left the employment on September 19, 2019. At the time Ms. Miller submitted her resignation and quit the employment, she was planning to move to Missouri with her fiancé. Those plans fell through shortly after Ms. Miller separated from the employment.

A week before Ms. Miller submitted her resignation, Ms. Cortes told Ms. Miller that she suspected Ms. Miller was under the influence of drugs. Ms. Miller offered to submit to drug testing, but Ms. Cortes elected not to have Ms. Miller submit to drug testing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) 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.

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).

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See Iowa Administrative Code rule 871-24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d 213 (Iowa 2005).

Iowa Admin. Code r. 871-24.25 provides, in relevant part, as follows:

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:

...

- (2) The claimant moved to a different locality.

...

- (21) The claimant left because of dissatisfaction with the work environment.
- (22) The claimant left because of a personality conflict with the supervisor.

...

- (28) The claimant left after being reprimanded.

The evidence in the record establishes that Ms. Miller voluntarily quit the employment on September 19, 2019 without good cause attributable to the employer. The weight of the evidence establishes that Ms. Miller quit the employment due to her plan to move to Missouri. Ms. Miller elected to move up her quit date in response to being reprimanded by Ms. Cortes. The evidence fails to establish intolerable and/or detrimental working conditions that would have prompted a reasonable person to leave the employment. The weight of the evidence fails to

support Ms. Miller's assertion that Ms. Cortes verbally abused or otherwise mistreated Ms. Miller during the employment. Ms. Miler's dissatisfaction with the work environment and her personality conflict with her supervisor would not provide good cause to leave the employment. Ms. Miller's assertion that only referenced the move as the basis of her quit at the time she resigned because she feared "retaliation" rings hollow and is not credible. Ms. Miller is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Miller must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

DECISION:

The October 14, 2019, reference 01, decision is affirmed. The claimant voluntarily quit the employment on September 19, 2019 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn