

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA M HALL
Claimant

APPEAL NO. 08A-UI-09056-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IA DEPT OF HUMAN SVCS/GLENWOOD
Employer

**OC: 08/03/08 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 23, 2008, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 22, 2008. Claimant participated. Employer participated by David Williams, TALX Hearing Representative and witness Pam Stipe, Public Service Supervisor Three.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 8, 2008. Claimant was on suspension due to a conflict with a coworker. Claimant opted to quit rather than return to work. Claimant believed she was being harassed by coworkers due to a divorce with her husband who also worked at the facility. Claimant made no formal complaints to the employer over the alleged harassment. Claimant did not want to go into detail on the harassment. Claimant declined to give names of employees who had been harassing. Claimant also quit for a number of personal reasons such as school and lack of adequate daycare.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of dissatisfaction with the work environment. Claimant understood the procedure for complaining about harassment but filed no formal complaint. Claimant failed to provide the names and details of harassment and retaliation. Claimant failed to prove harassment by a preponderance of the evidence. This is a quit for personal reasons not related to the employment. Benefits withheld.

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.

871 IAC 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.

DECISION:

The decision of the representative dated September 23, 2008, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css