

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LOLYNN REYNOLDS

Claimant

APPEAL NO: 13A-UI-03757-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 12/16/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

81 IAC 24.25(21) – Dissatisfaction of the Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 22, 2013, reference 03, that held she voluntarily quit employment without good cause on March 6, 2013, and benefits are denied. A telephone hearing was held on May 2, 2013. The claimant participated. Rhonda Hefter De Santisteban, HR Supervisor, and Tyler Brandt, Placement Coordinator, participated for the employer. Employer Exhibit 1 and 2 was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The employer is a temp employment firm. Claimant began work August 15, 2012, and last worked for the employer at River Bend Industries as full-time clean-up on March 7, 2013. The claimant gave verbal two-week notice on March 5 to on-site coordinator she was quitting her job because she did not receive a transfer to another plant location.

Claimant had requested a job transfer to another plant facility where the workers were female rather than mostly men with some females where she worked. The notice to quit was prompted by another female worker granted a transfer request.

Claimant felt verbally harassed by male worker sexual remarks but she did not report this to the employer during the course of employment or at the time she gave notice of quitting. Although claimant signed for the employer harassment policy, she does not recall receiving a copy. She walked-out during her work shift on March 7 without stating the reason and did not contact the employer thereafter.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on March 6, 2013 due to job dissatisfaction.

While claimant did suffer some verbal harassment, she failed to notify the employer even up to the time she gave her notice to quit about the problem. She failed to give the employer an opportunity to deal with the issue other than that she wanted a transfer to work elsewhere.

DECISION:

The department decision dated March 22, 2013, reference 03, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on March 6, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css