

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**AIMEE K LOHF**  
Claimant

**BETTENDORF COMMUNITY SCHOOL**  
Employer

**APPEAL 18A-UI-11030-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/23/18**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin r. 871-24.25 – Voluntary Quit Without Good Cause  
Iowa Admin r. 871-24.26 – Voluntary Quit with Good Cause

**STATEMENT OF THE CASE:**

Aimee Lohf f/k/a Aimee LeMaster, Claimant, filed an appeal from the November 1, 2018 (reference 01) unemployment insurance decision that denied benefits because she voluntarily quit work with Bettendorf Community School for personal reasons not caused by the employer. The parties were properly notified of the hearing. A telephone hearing was held on November 28, 2018 at 9:00 a.m. Claimant participated. Employer participated through Heather Stocking, Director of Human Resources. Employer's Exhibit 1 was admitted.

**ISSUE:**

Whether claimant's separation was a voluntary quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a para-educator from March 20, 2018 until her employment with Bettendorf Community School ended on September 27, 2018. (Claimant Testimony; Stocking Testimony) Claimant's direct supervisor was Dave Hlas, Principal. (Stocking Testimony) Claimant's schedule was Monday through Friday from 8:00 a.m. until 2:45 p.m. (Claimant Testimony)

In the summer of 2018, claimant booked a non-refundable, non-transferable honeymoon cruise for October 27, 2018 through November 2, 2018. (Claimant Testimony) On August 18, 2018, claimant submitted a leave request for October 30, 2018 through November 2, 2018 for her honeymoon cruise. (Claimant Testimony) Claimant's request for November 1, 2018 and November 2, 2018 was approved; the request for October 30, 2018 and October 31, 2018 was denied. (Claimant Testimony) Claimant's request was denied, in part, because claimant only had two and a half personal days at the time she made her request but was asking for four days

of leave; furthermore, employer does not permit unpaid leave. (Claimant Testimony) The other reason claimant's request was denied was because October 29, 2018 was a school holiday and leave is not granted for a day before or after a holiday per the claimant's contract and the employee handbook. (Stocking Testimony) Claimant signed the contract and acknowledged receipt of the handbook. (Stocking Testimony; Exhibit 1) Claimant was informed that if she was absent from work on October 30, 2018 and October 31, 2018 without permission, she may be subject to progressive discipline under the employee code of conduct. (Stocking Testimony; Claimant Testimony)

On September 27, 2018, the principal called claimant into his office to discuss claimant's plans for her honeymoon. (Claimant Testimony) During the conversation, the principal again reminded claimant that an unapproved absence may lead to her termination. (Claimant Testimony) After this conversation, claimant was upset. (Claimant Testimony) Claimant returned to her classroom; claimant's coworkers observed claimant crying but ignored claimant. (Claimant Testimony) Claimant turned in her key to the behavioral disorder teacher and left the premises. (Claimant Testimony) Later that morning, claimant emailed her resignation to all of her coworkers. (Claimant Testimony; Exhibit 1) Claimant's resignation was effective immediately and stated that claimant's reason for resigning was that she felt harassed about her leave request for her honeymoon and by being reminded of the possibility of termination if she took leave without permission. (Claimant Testimony; Exhibit 1)

Claimant listed other reasons for her resignation as being excluded from lunch by her coworkers, feeling left out, and feeling as though she had been set up to fail in her job duties (although claimant received no complaints about her job performance). (Claimant Testimony) Claimant's job was not in jeopardy; there was continuing work available to claimant if she had not quit. (Stocking Testimony)

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit her employment without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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). 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).

Iowa Admin. Code r. 871-24.25(25) and (37) provides:

Voluntary quit without good cause. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(25) The claimant left to take a vacation.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

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.

Where a claimant gives several different reasons for leaving employment, the administrative law judge is required to consider all stated reasons which might have combined to give the claimant good cause to quit in determining whether any of those reasons constituted good cause attributable to the employer. *Taylor v. IDJS*, 362 N.W.2d 534 (Iowa 1985).

Claimant voluntarily quit her job; her acts of turning in her key and emailing her resignation to all of her coworkers are both evidence of her intent to terminate her employment relationship and overt acts of carrying out her intention. Claimant quit her job because her request for leave for her honeymoon – to which she was not entitled per the contract and handbook – was denied. Claimant alleges that she left her employment due to harassment from the principal regarding her request for leave; however, the only examples of harassment that claimant provides are the principal's reminders that claimant may be subject to termination if she was absent from work without permission. The principal's reminders are not harassment; the principal was merely fulfilling his duty to ensure the school was properly staffed. Claimant's interactions with the principal and exclusion by coworkers may seem like good cause to the claimant, but they are not reasonable "good cause" to the average person. The reasons claimant has provided for quitting her employment do not constitute intolerable or detrimental working conditions. Claimant has failed to meet her burden of proving that she left for good cause attributable to the employer. Claimant voluntarily quit her job without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The November 1, 2018 (reference 01) unemployment insurance decision is affirmed. Benefits are denied until such time as the claimant works in and has been paid wages for insured work equal to ten times claimant's weekly benefit amount.

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Adrienne C. Williamson  
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Decision Dated and Mailed

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