

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOLENE GRIES**  
Claimant

**APPEAL 15A-UI-10671-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOODWILL INDUSTRIES OF THE  
HEARTLAND**  
Employer

**OC: 08/23/15  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 17, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on October 7, 2015. Claimant participated. Employer participated through assistant program director, Laura Morgan-Dunham and Wendy Bucklin and was represented by Toni Markiewicz.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to 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 receptionist/clerk from September 18, 2008, and was separated from employment on June 18, 2015, when she resigned.

On June 8, 2015, claimant gave a verbal resignation to Laura Morgan-Dunham. Claimant was originally hired to complete computer work for her supervisor and had a flexible schedule. She worked out of the Muscatine, Iowa office and was not required to travel. Claimant's supervisor retired at the end of 2013. In January 2014, Laura Morgan-Dunham became claimant's supervisor. Claimant felt Morgan-Dunham was a micromanager. In January 2015, claimant's position changed. Claimant was required to work in the Burlington, Iowa office one time per month and employer was less flexible with her scheduled hours. Employer reimbursed claimant for her travel expenses and did not require her to travel in bad weather. Claimant was experiencing stress and physical pain that she attributed to the work environment. Claimant saw a doctor regarding her symptoms. Claimant's doctor did not recommend she quit her job.

**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.

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(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:

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

Here, claimant quit her job because of a personality conflict with Morgan-Dunham. Claimant did not like Morgan-Dunham's management style. However, claimant did not show the work environment would have been intolerable to a reasonable person.

Claimant also quit her job because she did not want to travel to Burlington and employer was less flexible with her schedule.

Iowa Admin. Code r. 871-24.26(1) 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:

24.26(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

The new requirement to travel to Burlington once per month and the less flexible schedule was not a change in the contract of hire. The requirement to travel to Burlington one time per month and the less flexible schedule was not substantial in nature and did not jeopardize claimant's safety, health, or morals.

Finally, claimant quit her employment due to the stress and physical pain she felt it was causing her.

Iowa Admin. Code r. 871-24.26(6)b 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:

(6) Separation because of illness, injury, or pregnancy.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

However, claimant did not present competent medical evidence showing adequate health reasons to justify her resignation. Her doctor did not recommend that she quit her employment for health reasons.

Thus, claimant failed to show her resignation was with good cause attributable to employer.

**DECISION:**

The September 17, 2015, (reference 01) unemployment insurance decision is affirmed. 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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Christine A. Louis  
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Decision Dated and Mailed

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