

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHIRLEY A VANMETER
Claimant

APPEAL NO: 18A-UI-07461-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT COMMUNITY SCH DIST
Employer

OC: 06/10/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 2, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 16, 2018. The claimant participated in the hearing. Jamie Kroeger, Human Resources Contract Specialist, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time para-educator for Davenport Community School District from March 28, 2016 to May 21, 2018. She voluntarily left her employment following a disciplinary meeting May 18, 2018.

The claimant had a personality conflict with the teacher in the room and experienced problems with that teacher. She did not agree with all of the teacher's decisions. On May 18, 2018, the employer held a disciplinary meeting with the claimant after the claimant stated she would not help a student as directed by the teacher until he asked for her help in a respectful manner. The claimant was assisting other students when the teacher instructed her to help a second student. The claimant objected to the manner in which the teacher asked her to help because she did not ask the claimant if she was busy. The claimant was disciplined for being non-compliant and a disciplinary meeting was held May 18, 2018. The claimant was given the option of being moved to a different classroom where she would work with another teacher but instead she chose to resign her position with the school district.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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.

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 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:

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

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant had a personality conflict with the teacher to whom she was assigned, the employer gave her the option of being moved to another room with a different teacher but the claimant refused that offer. The claimant chose instead to resign her position with the employer rather than move to a different classroom.

The claimant was upset by the way the teacher treated her in directing her work. The situation as described by the claimant, however, does not reach the level of intolerable or detrimental working conditions as those terms are defined by Iowa law. Therefore, the administrative law judge must conclude the claimant has not met her burden of proving her leaving was for good cause attributable to the employer. Benefits are denied.

DECISION:

The July 2, 2018, reference 01, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn