

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LISA L HOBBIE**  
Claimant

**APPEAL NO. 11A-UI-03545-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORTH LINN COMMUNITY SCHOOL DIST**  
Employer

**OC: 02/06/11**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Lisa Hobbie filed a timely appeal from the March 16, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on April 12, 2011. Ms. Hobbie participated. Denise Rawson, food service director, represented the employer. Exhibits A through D were received into evidence.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Lisa Hobbie was employed by North Linn Community School District as a part-time food service associate from October 2009 until February 4, 2011, when she voluntarily quit due to dissatisfaction with the work environment and a personal conflict with one or more coworkers. Ms. Hobbie's work hours were 7:30 a.m. to 1:45 p.m. Ms. Hobbie performed her duties at the North Linn High School in Troy Mills. Denise Rawson, food service director, was Ms. Hobbie's immediate supervisor. Ms. Rawson was shared by two districts. When Ms. Rawson was not present, another employee with more seniority and experience, Sherri Letts, functioned as a de facto lead worker.

Ms. Rawson met with Ms. Hobbie on January 4, 2011 to provide her with her annual performance review. Ms. Rawson identified two areas where Ms. Hobbie's work performance needed improvement. The first area concerned decision-making. The second area concerned sanitation/safety. Ms. Rawson used the evaluation as an opportunity to discuss with Ms. Hobbie a recent health inspection that had noted deficiencies. Ms. Hobbie and Ms. Letts had been the two employees working at the time of the inspection. Ms. Rawson discussed the health inspection with all of the food service workers at the facility. The deficiencies the health inspector had noted were a failure to properly wash hands and failure to use a non-absorbent material under drying dishes.

Ms. Hobbie concluded from the evaluation that Ms. Letts had not properly trained her, though Ms. Rawson had made no such statement during the evaluation. At the end of the shift on January 4, Ms. Hobbie elected to bring up her evaluation as a topic of discussion while she and her coworkers were sitting at a counter together. Ms. Hobbie asserted that Ms. Letts had improperly trained Ms. Hobbie and that this had resulted in Ms. Hobbie having marks against her as part of her evaluation. Ms. Letts asserted she had properly trained Ms. Hobbie. Ms. Hobbie asserted she was thereafter going to train herself and that she no longer needed Ms. Letts to train her.

On January 27, Ms. Hobbie telephoned Ms. Rawson in connection with a dispute with Ms. Letts. Ms. Rawson was away from the facility at the time. Ms. Hobbie was upset because Ms. Letts had noted something or changed something in paperwork Ms. Hobbie had prepared as part of routine documentation. Ms. Letts had corrected an error in the documentation. Ms. Hobbie was upset by Ms. Letts' action. When Ms. Hobbie telephoned Ms. Rawson about the matter, she told Ms. Rawson she had previously worked in an environment where she had poor relationships, did not want to do that anymore, and that she was quitting. Ms. Rawson directed Ms. Hobbie to go ahead and go home for the day. Ms. Rawson told Ms. Hobbie that they would discuss the matter further. Ms. Rawson wanted tempers to cool before she further addressed the situation.

After work on January 27, Ms. Hobbie's coworkers discussed the events of that day. One of the coworkers drafted a letter of apology to Ms. Hobbie. All four coworkers signed the letter of apology. One of the coworkers, Annette, delivered the letter to Ms. Rawson. The coworkers did not want Ms. Hobbie to leave the employment and wanted to repair their relationship with Ms. Hobbie. Ms. Rawson alerted Ms. Hobbie to the letter and Ms. Hobbie collected the letter from Ms. Rawson. Ms. Rawson urged Ms. Hobbie to stay in the employment. Ms. Hobbie did not agree to stay, but did agree to provide a two-week notice before her quit would be effective.

Ms. Hobbie was then away from work on January 28 and 31 due to a family medical issue. Specifically, Ms. Hobbie's father had suffered a heart attack. Ms. Hobbie returned to work on February 1. Ms. Hobbie and Ms. Letts very quickly ended up in another verbal dispute. Ms. Hobbie began to cook a food item. Ms. Letts told her not to do it. Ms. Hobbie told Ms. Letts she was going to cook the item because she needed to learn. When Ms. Hobbie went to record the information she would need to record in connection with making the food item, Ms. Letts had already entered the requisite documentation. This upset Ms. Hobbie, who told Ms. Letts that she wanted to learn. Ms. Letts told Ms. Hobbie that if she wanted to write in the book, she would do it. Ms. Hobbie protested that she wanted to do it. Ms. Letts said that she, Ms. Letts, would do what she wanted. There were students going through the breakfast line at the time of this dispute. Ms. Hobbie moved to a dock area and telephoned Ms. Rawson. Another coworker, Bonnie, asked, "Are you calling Denise?" When Ms. Hobbie said yes, Bonnie yelled at Ms. Hobbie, "She didn't do anything wrong!" Ms. Rawson had already answered her phone and heard Bonnie's comments. Ms. Hobbie told Ms. Rawson that she did not need to put up with that. Ms. Rawson agreed. Ms. Hobbie said she wanted to leave. Ms. Rawson told her to go ahead and go.

After Ms. Hobbie left on February 1, Bonnie sent Ms. Hobbie a couple text messages apologizing for her role in the upset of that day. Ms. Hobbie eventually sent a message back acknowledging the gesture. Ms. Hobbie also showed the text messages with Ms. Rawson.

There was no school on February 2 and 3. On February 4, Ms. Hobbie submitted her written resignation, to be effective immediately. The employer continued to have work available for Ms. Hobbie.

## 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

On the other hand, when a worker voluntarily quits due to dissatisfaction with the work environment or due to inability to work with coworkers, the quit is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(6) and (21).

The weight of the evidence in the record does not substantiate Ms. Hobbie's assertion that she was being harassed in the employment. Ms. Hobbie had worked with Ms. Letts since she started in the employment in 2009. The problems appear to have arisen after Ms. Hobbie erroneously concluded that Ms. Letts was to blame for what Ms. Hobbie erroneously concluded was a negative performance review. Ms. Hobbie complained openly about Ms. Letts in front of coworkers and this appears to have set the stage for strained relations at the end of the employment. While there appears to have been episodes of interpersonal conflict at the end, the evidence indicates that Ms. Hobbie contributed to it. It also appears that Ms. Hobbie's coworkers desired to work through the problems with Ms. Hobbie and that Ms. Rawson was also committed to working through the issues.

The administrative law judge noted during the hearing that Ms. Hobbie does not always hear what is said in the way it was said. Ms. Hobbie appeared to think Ms. Rawson had testified that Ms. Letts blamed Ms. Hobbie for the health inspection issues, but there had been no such testimony. Similarly, Ms. Hobbie drew from her evaluation that Ms. Rawson had given her a poor evaluation and that Ms. Rawson faulted Ms. Letts for improperly training Ms. Hobbie. The evidence indicates that this, too, was an inaccurate interpretation of what occurred in connection with the evaluation. One wonders what else Ms. Hobbie could have misconstrued in the workplace when it came to interacting with her coworkers or assessing their motives. The weight of the evidence establishes that Ms. Hobbie voluntarily quit for personal reasons and not for good cause attributable to the employer. Accordingly, Ms. Hobbie is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Hobbie.

The administrative law judge notes from the Agency's administrative record that North Linn Community School District was Ms. Hobbie's only base period employer. Accordingly, there are no other wage credits upon which reduced benefits might be based.

**DECISION:**

The Agency representative's March 16, 2011, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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