

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MEREDITH A GALLENTINE
Claimant

JOSEPH R FRITTS
Employer

APPEAL NO. 17A-UI-02622-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/12/17
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 3, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 31, 2017. Claimant participated. Employer participated by Joseph Fritts. Claimant's Exhibits A through B and Employer's Exhibits 1 through 5 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on February 15, 2017. Employer bought Sandholm Insurance Company from Gary Knopf. Employer purchased the company from the previous owner on June 1, 2016. Employer only purchased the insurance company and not the realty company from the previous owner. At the time of purchase, employer agreed to continue with the same terms or conditions of employment that the previous employer contracted with claimant and other coworkers. At that time, employer did know that claimant was working for employer both as an insurance agent and as a realtor.

Claimant repeatedly tried to get the new employer to continue paying her mortgage and property taxes. She stated that these were a gift from the previous employer as she had never listed the money as income and the previous employer did not include the payments as a part of the insurance company expenses. For six months after the previous employer had sold the company, he continued to pay claimant's mortgage and property taxes. This ended on December 31, 2016. On February 15, 2017 employer refused to continue a monthly gift that the previous employer had given to claimant as a part of her services for the previous employer's realty company. This money was not reported on any of the Sandholm documents claimant examined prior to purchase, nor through W-2 forms.

Claimant additionally stated that employer created a hostile work environment through employer's actions and emails. The actions claimant stated were employer's lack of being friendly with her, although employer would continue to talk to the secretary, and employer's seemingly cold statements through emails.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because the new employer did not continue to provide free mortgage and property taxes that were gifted to claimant by the previous employer.

Whereas the payments of the mortgage and property taxes were not wages, nor reported by claimant in her property taxes, they amounted to a gift from the previous owner to claimant. As such, the new employer was under no obligation to continue with this gift.

Regarding the claim of hostile work environment, claimant's testimony did not prove a hostile environment. She did not list specifics beyond employer's not speaking as often to claimant as he had done in the past, and the emails provided to the administrative law judge do not show a hostile work environment.

DECISION:

The decision of the representative dated March 3, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs