

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GEORGINA HUMPHREY
Claimant

APPEAL 24A-UI-08123-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE KINDRED HOUSE OF OTTUMWA LLC
Employer

**OC: 08/25/24
Claimant: Appellant (1)**

Iowa Code §96.5(1)- Voluntary Quit

STATEMENT OF THE CASE:

On September 13, 2024, the claimant/appellant filed an appeal from the September 11, 2024, (reference 01) unemployment insurance decision that denied benefits based on the claimant voluntarily quitting on August 21, 2024 because the claimant was dissatisfied with working conditions. The Iowa Workforce Development representative determined the quitting was not caused by the ER. The parties were properly notified about the hearing. A telephone hearing was held on October 1, 2024. The claimant participated through CTS Language Link Spanish Interpreter, Johan (Identification Number 18153). The employer participated through Owner and CEO, Mark Chapman.

ISSUE:

- I. Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant began working for the employer on August 28, 2023. The employer is a facility that has assisted living and provides adult care. At the time of the claimant's separation the facility was caring for five people. The claimant last worked as a full-time cook.

The claimant worked as a cook. At some point the claimant agreed to work full time and help with housekeeping and laundry. As part of her job duties the claimant is responsible for cleaning the kitchen.

When the claimant left work on Friday, August 16th there were no issues with the claimant's job performance. The claimant was absent from work on Saturday, August 17th due to illness. On Monday, August 19th, the claimant returned to work and the claimant's supervisor, Angie, had a problem with the cleanliness of the kitchen. The claimant cleaned the kitchen. The next day a food delivery occurred and the claimant and Angie unloaded it. Angie then cooked the meals.

At some point a dispute arose between the two regarding the issue of cross contamination. The claimant was concerned she would contaminate the food due to having the duties of cooking, cleaning, and doing the laundry. Tension between the claimant and Angie increased because Angie did not believe the claimant was cleaning properly.

On August 21st, the conflict between Angie and the claimant continued. Angie told the claimant that she was not following the kitchen rules and the claimant disagreed. Later in the day Angie, the facility director, Christina, and the claimant met to discuss the claimant's job duties. The parties agreed the claimant would only perform the duties of being a cook. The employer informed the claimant that since she was only performing the duties of a cook then her hours would be reduced and they would need to hire someone else to cover the duties of housekeeping and laundry. The claimant was informed her salary would turn into an hourly rate due to the change in the job duties. The claimant agreed to the new terms of the employment.

On August 22, 2024, the claimant sent a text message to Angie and Christina informing them she would not be returning to work after what had happened. The claimant resigned due to the conflict between herself and Angie. The claimant no longer wanted to work with Angie.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 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:

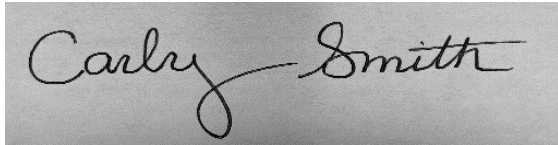
- (22) The claimant left because of a personality conflict with the supervisor.

The 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). 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).

In this case the claimant voluntarily resigned because she had a conflict with the supervisor. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The September 11, 2024 (reference 01) unemployment insurance decision is AFFIRMED. The claimant voluntarily quit employment on August 22, 2024 without good cause attributable to the employer. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and been paid wages for insured work equal to ten times their weekly benefit amount after the August 21, 2024 and provided they are otherwise eligible.

A rectangular box containing a handwritten signature in cursive script that reads "Carly Smith".

Carly Smith
Administrative Law Judge

October 2, 2024
Decision Dated and Mailed

cs/te

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.