

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LORI A LAKES**

Claimant

**UNIFIED SERVICES LLC**

Employer

**APPEAL 21A-UI-15639-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/18/21**

**Claimant: Appellant (5)**

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Iowa Code § 96.5(1) – Voluntary Quitting of Work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the July 2, 2021 (reference 02) unemployment insurance decision that denied benefits to the claimant based upon a voluntarily quitting work. The parties were properly notified of the hearing. A telephone hearing was held on September 2, 2021. The claimant participated personally. Russ Albenesius testified as a witness for the claimant. The employer participated through witness Jon Corbin. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**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: The claimant began her employment on November 5, 2020. She worked full-time as a utility secretary. Claimant voluntarily quit her position on April 14, 2021 when she told Lori Corbin that she would not be returning.

The claimant voluntarily quit her position with the employer due to the negativity in the office. The final incident that led the claimant to quit was when Mrs. Corbin was speaking to another employee named Iris in the office making comments that she had to complete the claimant's job duties because she did not complete them correctly. Claimant was not trained on the final part of the process to complete the job task correctly. Mrs. Corbin also shook her head and made huffing and puffing sounds towards the claimant when she learned that the claimant had not completed the job tasks correctly. Claimant felt that she had not been properly trained on many aspects of her job duties as she had not worked in the utility repairs and maintenance field prior to working with this employer.

No threats of violence were made toward the claimant and no profane language was made toward the claimant. No derogatory comments or name calling was made toward the claimant. There was continuing work available to the claimant if she had not quit. She had not received any verbal or written discipline during the course of her employment.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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.

Claimant had an intention to quit and carried out that intention by tendering her verbal resignation to Mrs. Corbin. As such, 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). Claimant contends that she voluntarily quit due to intolerable or detrimental working conditions.

Iowa Admin. Code r. 871-24.26(4) 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:

- (4) The claimant left due to intolerable or detrimental working conditions.

As such, if claimant establishes that she left due to intolerable or detrimental working conditions, benefits would be allowed. Generally, notice of an intent to quit is required by *Cobb v. Employment Appeal Board*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Employment Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Employment Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). These cases require an employee to give an employer notice of intent to quit, thus giving the employer an opportunity to cure working conditions. Accordingly, in 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement. The requirement was only added, however, to rule 871-24.26(6)(b), the provision addressing work-related health problems. No intent-to-quit requirement was added to rule 871-24.26(4), the intolerable working conditions provision. Our supreme court concluded that, because the intent-to-quit requirement was added to 871-24.26(6)(b) but not 871-24.26(4), notice of intent to quit is not required for intolerable working conditions. *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

"Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Employment Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988)("[G]ood cause attributable to the employer can exist even though the employer is free from all negligence or wrongdoing in connection therewith"); *Shontz v. Iowa Employment Sec. Commission*, 248 N.W.2d 88, 91 (Iowa 1976)(benefits payable even though employer "free from fault"); *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787, 788 (Iowa 1956)("The good cause attributable to the employer need not be based upon a fault or wrong of such employer."). Good cause may be attributable to "the employment itself" rather than the employer personally and still satisfy the requirements of the Act. *Raffety*, 76 N.W.2d at 788 (Iowa 1956). Therefore, claimant was not required to give the employer any notice with regard to the alleged intolerable or detrimental working conditions prior to her quitting. However, claimant must prove that her working conditions were intolerable or detrimental.

Given the facts of this case, claimant failed to establish that her working conditions rose to the level where a reasonable person would feel compelled to quit. Her supervisor's comments to another employee that she had to correct the claimant's mistakes, along with Mrs. Corbin huffing and puffing does not rise to the level where a reasonable person would feel compelled to quit.

As such, the claimant has failed to prove that under the same circumstances a reasonable person would feel compelled to resign. See *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993). Rather, the circumstances in this case seem to align with the conclusion that claimant was dissatisfied with her work environment in general. This is not a good cause reasons attributable to the employer for claimant to have quit.

Iowa Admin. Code r. 871-24.25(21) provides:

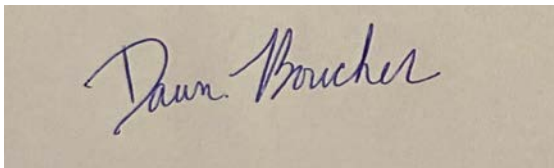
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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:

(21) The claimant left because of dissatisfaction with the work environment.

As such, the separation from employment is disqualifying and unemployment insurance benefits funded by the State of Iowa must be denied effective her original claim date of April 18, 2021 and continuing until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount after her April 14, 2021 separation date and provided she remains otherwise eligible.

**DECISION:**

The July 2, 2021 (reference 02) unemployment insurance decision is modified with no change in effect. Claimant voluntarily quit employment on April 14, 2021 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 her weekly benefit amount after her April 14, 2021 separation date, and provided she is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

September 10, 2021  
Decision Dated and Mailed

db/scn