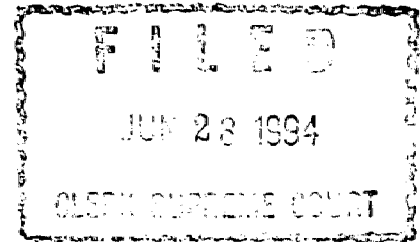


IN THE COURT OF APPEALS OF IOWA

No. 4-172 / 93-1297



DONNA L. QUINBY,

Appellant,

vs.

EMPLOYMENT APPEAL BOARD and
BYERLY FOODS INTERNATIONAL,

Appellees.

Appeal from the Iowa District Court for Winnebago
County, Bryan H. McKinley, Judge.

The petitioner appeals the district court's ruling on
judicial review affirming the Employment Appeal Board's
decision determining she was disqualified from receiving
unemployment benefits because she voluntarily quit her job
without good cause attributable to her employer. **AFFIRMED
IN PART AND REVERSED IN PART.**

Mark S. Soldat, Algona, for appellant.

William C. Whitten and Joe E. Smith, Employment Appeal
Board, for appellees.

Heard by Donielson, C.J., and Hayden and Habhab, JJ.

HAYDEN, J.

The petitioner, Donna Quinby, was employed as a production line supervisor in a food processing plant from May 1989 until she quit the job on October 9, 1992, after a dispute concerning the ordering of raw materials needed for the production line. Apparently for over a year Quinby was having problems with another supervisor regarding the ordering of raw materials for Quinby's production line. Various attempts had been made to resolve this problem which Quinby felt undermined her job.

During the work week commencing on October 5, 1992, Quinby again experienced problems with the ordering of raw materials for her production line. Quinby discussed the problem with supervisory personnel, who she claims were not cooperative and were only interested in fixing blame on her immediate supervisor. Quinby felt she was being unfairly criticized when she had been doing her job. During these conversations, Quinby became quite upset with the supervisors and resigned that day.

Quinby subsequently sought unemployment compensation. In a final decision entered on April 12, 1993, the Employment Appeal Board denied her claim for unemployment benefits. The Board determined she voluntarily quit her job without good cause attributable to her employer because she left due to a personality conflict with the supervisor and after being reprimanded.

On April 14, 1993, Quinby filed a petition for judicial review challenging the Board's denial of unemployment benefits. After a hearing, the district court entered a decision affirming the Board's decision. The district court concluded that the record established Quinby quit her job voluntarily. The court noted the problem with receiving enough raw materials for her production line had been resolved until October 1992 and Quinby did not give her supervisors adequate time to correct the problem. The court concluded the agency's findings were supported by substantial evidence. Under the reasonable belief standard the court also rejected Quinby's attempt to justify her quitting as good cause because of her "extremely moral work ethic." The court also assessed costs against Quinby.

On August 31, 1993, Quinby filed a notice of appeal.

The scope of review in cases arising out of the Iowa Administrative Procedures Act is limited to the corrections of errors at law. Foods, Inc. v. Iowa Civil Rights Comm'n, 318 N.W.2d 162, 165 (Iowa 1982). A district court decision rendered in an appellate capacity is reviewed to determine whether the district court correctly applied the law. Id. To make that determination this court applies the standards of Iowa Code section 17A.19(8) (1991) to the agency action to determine whether our conclusions are the same as the district court's. Jackson County Pub. Hosp. v. Public Employment Relations Bd., 280 N.W.2d 426, 429-30 (Iowa 1979). The scope of review encompasses a review of the

entire record and is not limited to the agency's findings. Higgins v. Iowa Dep't of Job Serv., 350 N.W.2d 187, 191 (Iowa 1984).

Iowa Code section 17A.19(8)(f) provides in a contested case the court shall grant relief from an agency decision which is unsupported by substantial evidence made before the agency when that record is viewed as a whole. Eaton v. Iowa Dep't of Job Serv., 376 N.W.2d 915, 916-17 (Iowa App. 1985). Evidence is substantial to support an agency's decision when a reasonable person would find it adequate to reach a conclusion. Id. at 917. The question is not whether the evidence might support a different finding but whether the evidence supports the findings actually made. Henry v. Iowa Dep't of Job Serv., 391 N.W.2d 731, 734 (Iowa App. 1986). The fact that two inconsistent conclusions can be drawn from the evidence does not mean that one of those conclusions is unsupported by substantial evidence. Id.

In her first argument, Quinby asserts the trial court erred in taxing costs to her. We agree. Our supreme court has specifically determined this to be improper. Geiken v. Lutheran Home for the Aged, 468 N.W.2d 223, 227 (Iowa 1991). The court specifically stated, "We hold that the prohibition in Iowa Code section 96.15(2) against charging a claimant "fees of any kind" encompasses court costs. Consequently, section 96.15(2) prohibits assessing an individual claiming unemployment benefits with court costs." Id. Based upon this language, we determine the

district court erred in assessing costs to Quinby. We reverse on this issue.

Appellant's next three arguments can be addressed together as they all concern whether there was substantial evidence in the record to support the decision of the agency. In cases of voluntary quits, the employer has the burden to prove the quit was without cause attributable to the employer. Taylor v. Iowa Dep't of Transp., 362 N.W.2d 534, 541 (Iowa 1985). In this case, the claimant quit her position because she was frustrated with the lack of action on the part of her supervisors, with regard to the purchasing agent's failure to consistently place orders. The claimant indicated she felt her job was being undermined by the inaction of the purchasing agent, and further felt she was being criticized for the shortage of work product. She also was disturbed by what she perceived to be a lack of support for her on the part of her supervisors. Claimant contends she quit for good cause. Our supreme court has determined the reasonable person standard should be applied in deciding whether a claimant left work voluntarily with good cause attributable to the employer. O'Brien v. Employment Appeal Bd., 494 N.W.2d 660, 662 (Iowa 1993). In applying this test to the case at bar, the question would be whether a reasonable person in this situation would find the conditions so unbearable as to constitute good cause for leaving. It is our determination they were not. The claimant had received no

indication her job was in jeopardy. While the purchasing agent's inattention to the ordering presented a difficult situation, the claimant was not being blamed or punished. Primarily, the record indicates the claimant was frustrated with her situation. However, frustration with one's position does not constitute good cause to quit a job. Claimant had filled out her exit papers prior to her final meeting with the various supervisors. It is clear plaintiff was not pleased with the way the meeting was going and chose to resign her position. It is also clear she did not allow her supervisors any time to address the problem. She just chose to resign. Using the reasonable belief standard, it is clear there was sufficient evidence to support the ruling of the district court. The ruling of the district court is affirmed.

We do not assess costs on appeal against claimant. Geiken, 468 N.W.2d at 227.

AFFIRMED IN PART AND REVERSED IN PART.