

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SAMUEL J KOHL
Claimant

ADVANCE STORES COMPANY INC
Employer

APPEAL 15A-UI-05264-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/19/15
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 1, 2015, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 19, 2015. Claimant participated. Employer participated through Chris McCray, District Manager.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a sales associate beginning on September 9, 2014 through April 18, 2015 when he voluntarily quit.

The claimant had taken a test on the company internet server in order to try and qualify for a promotion to a retail parts professional. He was never told that his test results or the fact that he took the test would be kept confidential. The claimant did not pass the test and was upset that his coworkers knew he did not pass. The claimant had trouble getting along with one of his coworkers in particular. He brought his concern to the acting manager, Mr. Gonzales who brought in Mr. McCray to help deal with the situation. The claimant's concerns were addressed when he raised them. The claimant simply did not like the way some of his coworkers were acting. None of the incidents he described, including employees complaining about management, rise to the level of harassing or intolerable work environment. Employees talking behind each other's backs does not create an intolerable work environment in and of itself.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(6), (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:

(6) The claimant left as a result of an inability to work with other employees.

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

The claimant's complaints or issues were addressed by management. He simply could not get along with his coworkers. Nothing he described taking place in the workplace persuades the administrative law judge that he was subjected to an intolerable work environment. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The May 1, 2015 (reference 01) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs