

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

VALERIE L LILLIBRIDGE
Claimant

SLB OF IOWA LC
Employer

APPEAL NO. 19A-UI-02483-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/03/19
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 19, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 9, 2019. Claimant participated and had witnesses Miosity Vasquez and Jennifer Theis. Employer participated by Karen Beard, Keith Stewart, and Denise Rye. Claimant's Exhibits A-B and Employer's Exhibit 1 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 9, 2019. Claimant voluntarily quit on February 10, 2019 when claimant was given a verbal warning about her interactions with a co-worker and told that she could not transfer to another store in order to avoid the conflict.

Claimant worked for Panera. Months after claimant started working, another individual began working for employer. All employees had problems with this co-worker's lack of work ethic and unwillingness to work well with others. Claimant detailed multiple times when she was treated poorly by the co-worker who showed claimant a bad attitude and would not follow direction. The co-worker was often on the phone when she was to be working.

Claimant stated that she'd once gone to an assistant manager to report on her co-worker's unwillingness to do work, and the manager simply stated that he'd handle it. The co-worker's attitude did not change after this effort by claimant. On February 9, 2019 claimant and the co-worker met with management as the co-worker found claimant to be difficult. Management told both parties that they needed to work together and that the parties didn't need to have long interactions or get along. Claimant replied that she felt that she should just transfer to the Fleur Drive store. Employer responded to claimant's statement by telling her, "That's not how we do things around here." Employer then stated to claimant and her co-worker that if they did not change their attitudes, they would be terminated. (Employer stated that as claimant did not sign off on the warning, it was not an official warning per company policies.)

Employer stated that claimant had not received any reprimands prior to the February 9, 2019 meeting. Claimant's and employer's witnesses testified that claimant was a hard worker and a good co-worker.

Claimant testified that she quit her job because she'd never been fired and feared that she would be fired if she continued working at that location with that co-worker.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer refused to follow its own procedures for transfer to another location when claimant requested a transfer because of a difficult co-worker.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant went through proper procedures to alert employer of her desire to transfer to another location. This transfer is allowable by employer's policies, but the manager to whom claimant expressed her desire incorrectly stated, "That's not how we do things." This, in claimant's mind, left her in the untenable position where her ability to keep her job was solely dependent on a person that had shown to many other co-workers that she was unpleasant and rude to work with. The whole action would have been avoided had employer explained to claimant the steps to be followed for a transfer. Benefits are allowed.

DECISION:

The decision of the representative dated March 19, 2019, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn