

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

STACY L LONG
Claimant

APPEAL NO. 13A-UI-12179-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABC LEARNING EARLY CHILDHOOD
Employer

**OC: 09/29/13
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Stacy Long, filed an appeal from a decision dated October 22, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 21, 2013. The claimant participated on her own behalf. The employer, ABC Learning Early Childhood (ABC), participated by Owner Melissa Donovan.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Stacy Long was employed by ABC from June 5, 2009 until October 2, 2013 as a full-time assistant director. In late September 2013 Owner Melissa Donovan e-mailed all the staff to inform them no overtime would be paid unless the employee had prior permission from her. On September 30, 2013, a second e-mail was sent informing the staff Ms. Donovan had changed the punch in times to reflect the scheduled start time of 6:30 a.m. or 7:30 a.m. for some of the staff.

Ms. Long became upset about this and sent an e-mail back to the owner demanding to know why she had done this. Ms. Donovan elected not to respond to the e-mail but decided to wait and talk to the claimant face to face to deal with her concerns.

A meeting was held on October 2, 2013, and the employer said she thought the claimant seemed “unhappy.” Ms. Long began a tirade about many things, not all of which were intelligible. Her main concern appeared to be with the changing of the time records when she maintained she had not punched in earlier than five minutes before the scheduled start time, which is allowed by company policy. The employer rebutted this with the claimant’s actual punch in time which ranged from one minute to as much as 15 minutes, outside that five-minute period.

Ms. Long felt she had been treated unfairly since returning from her second maternity leave in a 12-month period in late August 2013. That instead of consulting with her, Ms. Donovan would go to the supervisor. But this was because the supervisor had been taking care of much of the day-to-day operations while the claimant was on leave and had more accurate information in some areas.

When the claimant's tirade had continued unabated for some time Ms. Donovan finally told her if she did not like the way the business was being run she was free to leave. Ms. Long left, saying the employer would hear from her lawyer, picked up her personal items and left.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21) and (22) provide:

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:

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

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

The claimant quit after an argument with the supervisor. She did not feel things were going well but could not discuss her concerns without losing her temper. Rather than try to pursue matters in a moderate fashion she elected to quit. Under the provisions of the above Administrative Code sections, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of October 22, 2013, reference 01, is affirmed. Stacy Long is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css