

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

KRISTINA K COUGHLIN
6602 SW 17TH ST
DES MOINES IA 50315

BLOCKBUSTER INC
c/o SHEAKLEY UNISERVICE INC
PO BOX 1160
COLUMBUS OH 43216-1160

Appeal Number: 04A-UI-00426-CT
OC: 11/30/03 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kristina Coughlin filed an appeal from a representative's decision dated January 6, 2004, reference 01, which denied benefits based on her separation from Blockbuster, Inc. After due notice was issued, a hearing was held by telephone on February 3, 2004. Ms. Coughlin participated personally. The employer participated by Mindy Martinez, District Leader.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Coughlin was employed by Blockbuster, Inc. from

April 13, 2000 until November 18, 2003. She was last employed full time as a shift leader. She quit the employment after an incident with her store manager.

On November 18, Ms. Coughlin was in a back area of the store completing paperwork when the manager, Jason Fry, questioned her as to why the paperwork had not been completed. He questioned her as to why she was doing paperwork rather than a different task. He walked away and then returned to ask the same questions. Ms. Coughlin attempted to avoid him by moving to the other side of the room but he followed her and persisted in questioning her about her activities. He finally raised his voice and indicated she had to get her tasks done before she left for the day. One other employee was present in an area where Mr. Fry could be overheard. Ms. Coughlin notified him that she was quitting and left the store. She then contacted the district leader to complain about Mr. Fry.

Ms. Coughlin had experienced similar incidents with Mr. Fry before November 18. When she tried to talk with him about his treatment of her, he responded by saying that was the way he always behaved. However, she never contacted the district leader to advise that there were work-related problems which might cause her to quit. Continued work would have been available had Ms. Coughlin not quit.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Coughlin was separated from employment for any disqualifying reason. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code Section 96.5(1). Ms. Coughlin had the burden of proving that her quit was for good cause attributable to the employer. Iowa Code Section 96.6(2). She quit because she did not like the way she was treated by her manager. Her complaint centered mainly around the tone of voice he used. Although Mr. Fry did raise his voice, he did not berate Ms. Coughlin or use any profanity on any occasions. When he did raise his voice on November 18, it was only to tell her that she needed to complete a specified task before she left for the day.

Ms. Coughlin never made her complaints known before she quit, in spite of the fact that she had received similar treatment from Mr. Fry in the past. Since she contacted the district leader on November 18, the administrative law judge must conclude that she had the ability to do so before that date. Based on Ms. Coughlin's testimony, the administrative law judge concludes that none of Mr. Fry's conduct was so outrageous as to justify quitting without first giving the employer an opportunity to correct the situation. Because Ms. Coughlin did not first give the employer an opportunity to correct the problem which was causing her to quit, the administrative law judge concludes that her quit was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated January 6, 2004, reference 01, is hereby affirmed. Ms. Coughlin voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/b