

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MISTY D FICE
Claimant

AKSHAYA IA CITY LLC
Employer

APPEAL 15A-UI-07156-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 15, 2015, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on July 28, 2015. Claimant participated with former Assistant General Manager/Sales Manager, Curtis Weiderin. Employer participated through Manager, Mike Raja.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to 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 front office manager from January 22, 2015, when the employer purchased the property. She was separated from employment on June 2, 2015, when she quit. Claimant found out she was pregnant on April 9 and notified Raja a week later when he returned from out-of-town. Raja was her immediate supervisor before he hired assistant general manager/supervisor Connie the last week of May. Claimant first worked with Connie on June 1 and was asked to help train her. Raja told Jennifer, guest service agent at front desk on the morning shift, to report to Connie in order to include her in the communication loop but did not tell her to exclude claimant from communication. Claimant believed the instruction was to exclude her but did not confront Raja or ask for clarification. Continued work was available. There were no changes to her hours and wages and she was given a raise when the business ownership transferred. Raja did not take any actions with respect to claimant's job based upon her pregnancy.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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(22) 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 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:

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

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). An employer has the right to allocate personnel in accordance with the needs and available resources. *Brandl v. Iowa Dep't of Job Serv.*, (No. ___-___/___-___, Iowa Ct. App. filed ___, 1986).

There is no evidence the employer took any steps to adversely impact claimant's job because of her pregnancy. The claimant's decision to quit because she did not agree with the supervisor about chain of command issues or training her supervisor was not for a good cause reason attributable to the employer.

DECISION:

The June 15, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without 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 benefit amount, provided she is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/mak