

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COLLEEN K HOLM
Claimant

APPEAL NO. 07A-UI-05271-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

C H MCGUINESS COMPANY INC
Employer

OC: 04/29/07 R: 02
Claimant: Respondent (2)

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

C H McGuiness Company, Inc. (McGuiness) filed an appeal from a representative's decision dated May 17, 2007, reference 01, which held that no disqualification would be imposed regarding Colleen Holm's separation from employment. After due notice was issued, a hearing was held by telephone on June 11, 2007. Ms. Holm participated personally. The employer participated by Steve LaPole, President.

ISSUE:

At issue in this matter is whether Ms. Holm was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Holm was employed by McGuiness from October 23, 2006 until May 1, 2007. She worked full time as a receptionist and administrative assistant. On the afternoon of May 1, the office manager placed a basket of work on Ms. Holm's desk and told her to "get with the program." Ms. Holm walked off the job in response. She had not complained about any work-related problems before quitting. She was on probation at the time due to her job performance, but no decision had been made about her continued employment.

Mr. LaPole had never yelled at Ms. Holm. He did raise his voice to her on occasion when she failed to include dimension sheets with her work as required. She was never called any names by Mr. LaPole or anyone else at work. She did not voice any complaints when the employer met with her on March 23 to place her on probation. She did not voice any complaints when the employer extended her probation on April 26.

Ms. Holm filed a claim for job insurance benefits effective April 29, 2007. She has received a total of \$977.00 in benefits since filing her claim. The benefits were not paid directly to her but were used to offset against a prior overpayment.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment 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. Holm walked off the job without notifying her employer of her reason for leaving. The office manager's statement that she should "get with the program" was not the most professional method the manager could have used; however, the statement was not so outrageous that it constituted good cause attributable to the employer for quitting.

Ms. Holm contended that she was verbally abused by the office manager on almost a daily basis. However, she could not identify any specific situations other than the day she quit and an occasion on which she was told she replaced the toilet paper incorrectly. Surely she would have been able to give more examples of abuse if it was occurring with the frequency she testified to. Moreover, she never put the employer on notice that there were work-related problems that needed to be resolved in order for her to continue the employment. Therefore, she deprived the employer of the opportunity to try to remedy the problem and eliminate the need to quit.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Ms. Holm left her employment for no good cause attributable to the employer. Accordingly, benefits are denied. Ms. Holm has received credit against a prior overpayment since filing her claim effective April 29, 2007. Based on the decision herein, the credits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated May 17, 2007, reference 01, is hereby reversed. Ms. Holm 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. Ms. Holm has been overpaid \$977.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw