

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MICHELE R JOHNSON**  
Claimant

**TITAN TIRE CORPORATION**  
Employer

**APPEAL 15A-UI-04470-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/15  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 6, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 12, 2015. Claimant participated. Employer participated through (representative) Joyce Kain, Human Resources Consultant; and Lisa Lillard, Customer Service Manager. Employer's Exhibit One was entered and received into the record.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the 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 customer service representative beginning on March 16, 2007 through February 27, 2015 when she voluntarily quit her employment. On February 4, 2015 claimant e-mailed her notice of her intent to quit with an effective date of February 27. The employer paid her wages through February 27 but did not require the claimant to work her two-week notice.

The claimant was called into a meeting on January 29, with her direct supervisor, Ms. Lillard, Ms. Kain and Ms. Roussin. At that time she was given a verbal warning for using her speaker phone when not in training. The claimant's coworkers had complained about her using her speaker phone as it made it difficult for them to hear the customers they were speaking to. The claimant had been told previously not to use her speaker phone except when she was training another employee.

The claimant became upset during the meeting and began voicing complaints about her direct supervisor, Ms. Lillard. The claimant was told that meeting was not the place for her to voice her complaints. The next day another meeting was held and the claimant was allowed to voice her complaints about Ms. Lillard. The claimant alleges that Ms. Lillard did not hire one candidate because he was a black man, was racist toward her daughter and required the

claimant to say good night or good bye to her coworkers. All of these alleged incidents occurred some months before the claimant was disciplined for an unrelated matter. Ms. Lillard did not treat the claimant any differently than any other employee and she did not engage in any racist behavior toward the claimant or her family members.

The claimant was offered an opportunity to work for a different manager at a different job that would have paid at most three dollars less per hour, but chose instead to voluntarily quit.

After the conversation on January 30 the claimant complained to corporate human resources and to the company president. At a final meeting on February 4 the claimant was told that her verbal write up would stand and she chose to quit.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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), (28) 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.

(28) The claimant left after being reprimanded.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The claimant has not established a hostile or intolerable work environment. Her allegations against Ms. Lillard do not establish good cause attributable to the employer for her leaving. The claimant was reprimanded and could not get along with her supervisor. Under these circumstances the claimant has not established good cause attributable to the employer for leaving her employment. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The April 6, 2015 (reference 01) decision is affirmed. The claimant voluntarily left her 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.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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