

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY S CRUMESSHOWMAN**  
Claimant

**APPEAL NO. 11A-UI-09224-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PELLA CORPORATION**  
Employer

**OC: 06/12/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 7, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 24, 2011. Claimant participated with witness Kenny Showman. Employer participated by Julie Wolf, Human Resource Representative; John Ware, Production Manager; and Jason Engler, Production Leader. Exhibits One through Nine were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 15, 2011. Claimant received an evaluation that was one point lower than the prior year's evaluation. Claimant was very upset over the poor evaluation and felt she was being reprimanded. Claimant left the room crying. Claimant was called back in to discuss the event and confronted by four managers. Claimant was very upset over the confrontation. Claimant left without discussing her grievances. Claimant took off her badge and quit. Claimant went home and did not contact the employer again to retract the resignation.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a poor evaluation and uncomfortable confrontation with managers. While claimant was approached in an inappropriate manner by management the whole incident is not good cause attributable to employer. Claimant was appropriate in her actions all the way up to quitting. The resignation was not necessary. Claimant had other avenues to deal with this issue outside of quitting. Claimant could have gone home for the day and then talked it over with human resources when she had cooled off. The quit was an

overreaction to the event. This is not a hostile work environment even though employer could have handled the situation a lot better. Quitting because of a poor evaluation or reprimand is not good cause attributable to employer. This is a personal reason for a quit. Benefits withheld.

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(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:

(28) The claimant left after being reprimanded.

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.

**DECISION:**

The decision of the representative dated July 7, 2011, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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