

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

JAYNEEN J ARRASMITH
3304 ROWND ST
CEDAR FALLS IA 50613

PARISIAN VIRGINIA LLC
c/o TALX UC EXPRESS
P O BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-11779-HT
OC: 10/03/04 R: 03
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 - Quit

STATEMENT OF THE CASE:

The claimant, Jayneen Arrasmith, filed an appeal from a decision dated October 25, 2004, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on November 29, 2004. The claimant participated on her own behalf. The employer, Parisian Virginia LLC (Parisian), participated by Sales Manager Laurie Hanson.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jayneen Arrasmith was employed by Parisian from May 13 until September 30, 2004. She was a part-time sales associate.

During the course of her employment Ms. Arrasmith had difficulties with another sales associate with whom she had a personality conflict. On two occasions the individuals were counseled and their concerns addressed. Sales Manager Laurie Hanson made every effort to schedule the two sales associates in a manner which did not require them to work together. The claimant had requested a transfer but no other positions were available and she was informed of this in August by Ms. Hanson.

On September 30, 2004, the claimant had accepted a return of damaged merchandise from a customer. She gave it to a manger in training, Heather. Ms. Hanson attempted to explain that Heather was not the manager, she was, and would take care of the necessary paperwork later. The claimant was angry and raised her voice in front of a customer, explaining she thought she had done as expected. Ms. Hanson asked her not to mock her, then walked down to the other end of the department where she began a conversation with two other employees. At that time Ms. Arrasmith became very upset and walked down to the sales manager and told her she was quitting, because that is what Ms. Hanson wanted. She also notified Store Manager Kathy Hughes, telling her she was quitting and that everyone was "crazy."

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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(6)(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:

(6) The claimant left as a result of an inability to work with other employees.

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

It is apparent the claimant was very unhappy because of problems getting along with her co-worker and what she saw as unfair treatment by the sales manager. The concerns she brought to the attention of the employer were addressed promptly and resolved as well as possible. The claimant's confrontation with the sales manager on the final day of her employment prompted her decision to quit, which she did without bringing her concerns to the attention of human resources before she resigned. It is apparent some kind of mediation was necessary but Ms. Arrasmith did not notify the employer she intended to resign unless something was done to rectify the situation between her and the supervisor and other employees. This is required by the provisions of Swanson v. EAB, 554 N.W.2d 294 (Iowa App. 1996). The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The representative's decision of October 25, 2004, reference 01, is affirmed. Jayneen Arrasmith is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/s