

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDY N CHAU
Claimant

APPEAL NO: 10A-UI-00749-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROBERT HALF CORPORATION
Employer

OC: 12/13/09
Claimant: Respondent (2/R)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a representative's December 31, 2009 decision (reference 01) that concluded the claimant was qualified to receive benefits, and the employer's account was subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive benefits. A telephone hearing was held on February 25, 2010. The claimant participated in the hearing. Kelly Sams, the division director, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant registered to work for the employer on April 24, 2008. The employer assigned the claimant to a job as an imaging specialist on May 4, 2009. The claimant had problems working with an employee, Chelsea, at this assignment. The claimant talked to his on-site supervisor and asked to work with another team so the claimant would not have to work with Chelsea. While there were days the claimant was not assigned to work on the same team as Chelsea, there were other days he was assigned to work with her.

Chelsea frustrated the claimant. When she was behind with her work and asked for help, he helped her. When he was behind and asked for her help, she would not help him. Instead of helping him, he felt she blamed him for their team failing to meet the production goals. Chelsea also made comments about the claimant's intelligence and did not show him respect. On August 17 when Chelsea again made fun of the claimant and other employees around them laughed, the claimant became very upset and angry. Instead of talking to a supervisor to report the problem, the claimant walked off the job and did not return.

When the employer talked to the claimant the next day, the employer gave him the names of people to contact in the employer's organization to see if they had any technology jobs he could

be assigned to work. When the claimant initially applied with the employer, he wanted a technology job.

The claimant established a claim for benefits during the week of December 13, 2009. He has filed for and received benefits since December 13, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant voluntarily quit his employment when he walked off the assignment on August 17, 2009. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant quits employment with good cause when he leaves because of intolerable or detrimental working conditions. 817 IAC 24.26(4). The law also presumes a claimant voluntarily leaves employment without good cause when he quits because of dissatisfaction with his work environment. 871 IAC 24.25(21).

When the claimant told his on-site supervisor about the problems he had with Chelsea, he was temporarily assigned to work with another team of employees. The claimant did not want to work with Chelsea again. On August 17 while working with Chelsea, he became very upset and angry when she again made a comment he did not consider respectful. When other employees around him laughed, he concluded they were laughing at him. This upset the claimant and made him angry. Instead of reporting this problem to the on-site supervisor or the employer's directors, the claimant was so upset he just walked out. The claimant did not believe reporting the problem again would do any good. The claimant did not contact the employer to let them know there were any problems so the employer could attempt to resolve the claimant's issues. The facts establish that the claimant had compelling personal reasons for walking out when he was upset and angry at Chelsea. He did not, however, establish that he quit for reasons that qualify him to receive benefits. As of December 13, 2009, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's December 31, 2009 decision (reference 01) is reversed. The claimant voluntarily quit his employment, but he quit for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 13, 2009. This disqualification continues until he has been paid ten times his weekly

benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs