

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CRYSTLE GRAGG
Claimant

SYSTEMS UNLIMITED INC
Employer

APPEAL 21A-UI-15785-SN-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/11/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.26(4) – Intolerable working conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 6, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 3, 2021. The claimant participated and testified. Employer participated through Human Resource Manager Jenny O'Brien and Program Administrator Justina Stodola.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed first as a full-time direct support professional and was subsequently promoted to be a supervisor from March 8, 2016, until she was separated from employment on April 14, 2021, when she quit. After being promoted to supervisor, the claimant's immediate supervisor was Coordinator Danielle Temple. The claimant was expected to work 40 hours per week and to fill in for subordinates during staffing shortages.

The claimant generally did not like how Ms. Temple communicated with her. In particular, Ms. Temple would leave sticky notes on her reports rather than just talking with her. The claimant also believed Ms. Temple was overly critical with her.

On March 12, 2020, the claimant received a verbal warning from Human Resources Director Jenny O'Brien. The claimant received the warning because the claimant had not been communicating with other staff regarding covering shifts.

On March 3, 2021, the claimant and another supervisor Patty Taylor Harris were visiting a funeral of a friend. Supervisor Cole Davies and Lead Worker Carissa Parker wanted to take

some residents on a ride in the van and did not know where to find the keys. They contacted the claimant to figure out where the keys were. Ms. Taylor Harris had the keys in her purse accidentally. Ms. Temple told the claimant to return the keys to the premises. The claimant discovered Ms. Taylor. The claimant resented that she was bothered with this while she was at the funeral of her friend.

On March 11, 2021, the claimant had a meeting with Ms. Temple, Mr. Davies and Ms. Parker regarding what occurred on March 3, 2021. The claimant was very irritable about what occurred and expected Ms. Temple to support her in expressing her displeasure. Ms. Temple admonished the claimant about being too severe with the other staff during the meeting. Ms. Temple was just trying to make sure that the claimant was not yelling at these other staff because it was becoming uncomfortable. Ms. Temple wanted to conduct the conversation in a way that communication problems could be addressed.

On March 12, 2021, the claimant went on a leave of absence. She initiated the leave by submitting a doctor's note from her physician stating that she was being treated for anxiety and depression related to work. The claimant remained on leave until March 30, 2021.

On April 9, 2021, the claimant contacted Human Resources Director Jenny O'Brien and Director of Community Living Liz Armentrout. In the email, the claimant expressed her concerns about what occurred on March 3, 2021. Specifically, the claimant did not believe it was fair Ms. Temple called her to return the keys on that day.

On April 11, 2021, Ms. Temple called her back into her office and said they needed to talk. Ms. Temple began by asking why her physician was certifying her leave on a week by week basis. She also said that they needed to talk prior to her returning to work. In particular, Ms. Temple wanted to coach the claimant about using less severe language with other staff. Ms. Temple did not believe the claimant was adequately controlling her emotions during these interactions.

On April 14, 2021, the claimant submitted her resignation. The claimant's resignation notice was effective April 28, 2021. However, the claimant used paid time off for those two weeks. Ms. O'Brien maintains the claimant could have been transferred to a different location in Williamsburg, Iowa if she had asked for a transfer.

On April 30, 2021, the claimant's physician released her to work return to work without restriction.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 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.
- (28) The claimant left after being reprimanded.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The standard of what a reasonable person would have believed under the circumstances is applied in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

In this case, a reasonable person would not have believed the claimant's working conditions were intolerable. The claimant resigned primarily because Ms. Temple did not reprimand Ms. Parker and Davies regarding the incident that occurred on March 3, 2021. Rather, Ms. Temple asked the claimant to control her emotions, so they could resolve the dispute in a productive way. The claimant interpreted this coaching as a personal attack and resigned before the employer could figure out how to resolve the situation. The claimant brought up general grievances regarding Ms. Temple's communication style, but these general allegations, do not support her burden to show her working conditions were objectively intolerable. Rather, the claimant quit because she could not work with coworkers and Ms. Temple. As a result, the claimant is disqualified under Iowa Admin. Code r. 871-24.25 (6) and (22). While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The July 6, 2021, (reference 01) unemployment insurance 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.



Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

September 16, 2021
Decision Dated and Mailed

smn/ol