

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: Dana Tripp was employed by West Liberty Foods from July 12, 2004 until August 12, 2005. She was a full-time production worker.

On August 4, 2005, the claimant's supervisor, Nicole Rice, told her that she was going to be written up for some problem with production paperwork. Ms. Tripp went to Human Resources Supervisor Carrie Malin to explain the problem and tell "her side of the story." Ms. Malin promised to talk to Ms. Rice, which she did, conveying the claimant's version of the events.

On August 5, 2005, Ms. Rice took the claimant to a conference room to issue the reprimand and the claimant left, indicating she was going to go to the office of Plant Manager Mike Whitman. In Mr. Whitman's office the claimant and Ms. Rice exchanged words and the claimant protested to him about the supervisor's attitude. Mr. Whitman only responded that the claimant did not know how he talked to Ms. Rice when she was not around.

Ms. Tripp did not take her concerns to human resources or the vice president after that. This is the procedure set out in the employee handbook for any conflict resolution. Instead of taking her concerns "up the chain of command," the claimant notified her supervisor she was quitting and Friday, August 5, 2005, would be her last day, and she would be leaving after first break.

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(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.

The claimant's decision to quit was precipitated by a conflict with her supervisor over the issuing of a reprimand. The day before the reprimand she had only gone to human resources to share

“her side of the story” but apparently did not specifically request any sort of intervention. After the reprimand she did not take her concerns any further as set out in the employee handbook. For a quit to be with good cause attributable to the employer the claimant must first make the concerns known and notify the employer she will quit unless the problem is resolved. Only if the employer does not address or correct the problem is a quit with good cause attributable to the employer. Swanson v. EAB, 554 N.W.2d 294 (Iowa App. 1996). Ms. Tripp did not follow the conflict resolution procedure set out and instead gave notice of her resignation immediately. Under the provisions of the above Administrative Code sections, this is not good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative’s decision of September 2, 2005, reference 01, is affirmed. Dana Tripp is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/s