

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THERESA A SPANGLER**  
Claimant

**APPEAL NO: 08A-UCFE-00019-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US POSTAL SERVICE**  
Employer

**OC: 05/18/08 R: 02  
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

U.S. Postal Service (employer) appealed a representative's June 30, 2008 decision (reference 01) that concluded Theresa A. Spangler (claimant) was qualified to receive benefits because she had voluntarily quit her employment for reasons that qualified her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 28, 2008. The claimant participated in the hearing with Steve Baltzley, a rural route carrier and a union steward. Angie Pettinger and Laura Valle, a customer service co-supervisor, 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.

**ISSUES:**

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

Has the claimant been overpaid any benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in May 1999. The claimant worked as a full-time rural route carrier. Valle and D. supervised the claimant.

The claimant has had D. as one of her supervisors since early 2007. The claimant did not like D.'s management style or the way she reprimanded the claimant. The claimant felt D. harassed her at work since early 2007. Neither the employer nor Baltzley received complaints from the claimant about D. until November or December 2007.

In late November or December 2007, D. reprimanded the claimant for bringing a very heavy package to the post office. The claimant had not known the employer did not want carriers to bring overweight packages to the post office. The claimant just understood carriers did not have to deliver overweight packages. When D. told the claimant that she could never do this again, the claimant felt as though D. was being mean to her. The claimant did not like getting "into her

face,” and engaged in a verbal confrontation with D. The station manager was called and the claimant was told she was to have no contact with D. and D. was told she was not to have contact with the claimant.

The claimant reported the incident to Baltzley. He investigated the claimant’s complaint, but none of the employees working that day verified or supported the claimant’s complaint. When Baltzley did not find anyone who would support the claimant’s version of events, he did not pursue a grievance.

In early January, 2008, the claimant saw a physician who informed her she had high blood pressure. The physician advised the claimant to eliminate the stresses in her life. The claimant did not report this medical concern to the employer. The claimant thought D. was the stressor that caused her high blood pressure.

On January 11, 2008, the claimant called work and had to talk to D., the supervisor on duty. The claimant told D. that her daughter was coming to pick up her paycheck because the claimant was not scheduled to work. In the past, Valle and the station manager allowed the claimant’s daughter and husband to pick up her paycheck. D. told the claimant she would not give her paycheck to her daughter. The claimant felt D.’s actions amounted to harassment and again complained to Baltzley. When he investigated and talked to D. about her refusal to give the claimant’s daughter her paycheck, Baltzley considered D.’s refusal reasonable. D. explained that she did not know the claimant’s daughter and with the past problems she had with the claimant, D. did not want any more problems by giving the claimant’s paycheck to the wrong person. Again, Baltzley did not file a grievance on the claimant’s behalf.

Later in January 2008, D. saw the claimant smoking outside and told her she could not smoke at that location. Since no one said anything to the claimant about this before, the claimant became upset. The claimant again concluded that D. was harassing her and told D., “This is it, I’m quitting!” The station manager asked the claimant to leave for a couple hours so she could calm down.

On January 30, 2008, the claimant told the station manager she was quitting. The station manager asked Valle to talk to the claimant about quitting and the consequences if she quit. The claimant just told Valle she could not handle anymore and had to quit. The claimant did not tell Valle she was quitting because of on-going problems with D. Valle understood the claimant had some family issues and concluded she was quitting because she could not handle work and the stress of personal issues. Valle had no idea the claimant had problems with D. until March 10, 2008.

The station manager asked the claimant to think about her decision to quit and gave her two weeks off to decide if she really wanted to quit. On March 4, when the station manager had not yet received any message from the claimant about her decision, he sent her a letter asking her to let him know what she had decided. On March 10, 2008, the claimant gave the employer her written resignation notice that was effective immediately.

The claimant established a claim for benefits during the week of May 18, 2008. She filed claims for the weeks ending June 7 through July 19, 2008. She received her maximum weekly benefit amount of \$347.00 for each of these weeks.

## **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2. The undisputed evidence establishes the claimant voluntarily quit her employment.

The law presumes a claimant voluntary quits employment without good cause when she leaves because she has a personality conflict with a supervisor or leaves after receiving a reprimand. 871 IAC 24.25 (21) and (28). However, the law also presumes a claimant quits with good cause when she leaves because of detrimental or intolerable working conditions. 871 IAC 24.26(4).

The claimant established personal reasons for quitting her employment. The times the claimant reported problems to the station manager and Bartzley occurred after she and D. had a verbal confrontation as a result of D. reprimanding the claimant. The first time Bartzley became aware of any potential problems between the claimant and D. was in November or December 2007. The fact that he investigated the incident and found no one to support the claimant's version of events does not support the claimant's assertion that D. harassed her. It instead shows a personality conflict existed between the two of them.

The next major incident occurred when D. refused to give the claimant's paycheck to her daughter. Even though other supervisors allowed family members to pick up the claimant's paycheck, D.'s decision was not unreasonable because D. did not know the claimant's daughter and she did not want to give the paycheck to the wrong person and create more problems between the claimant and herself.

The claimant assumed Valle knew about the problems between herself and D. Valle, however, had no idea there were problems between the two of them until she read the claimant's resignation letter of March 10, 2008. Even when the claimant told Valle on January 30 that she was resigning because she could not handle it anymore, Valle assumed the claimant's personal family issues were too much for her to handle and work full time.

The claimant did not like D.'s management style or the way she reprimanded employees, especially the claimant. Since the claimant acknowledged she yelled and engaged in verbal confrontations with D. problems between the two of them was not one-sided.

The claimant's evidence that she saw a physician who advised her to eliminate the stress in her life before she quit, is not in dispute. The way in which D. and the claimant interacted, may have created stress for the claimant. The claimant had a personality conflict with D. and when D. reprimanded her, the claimant responded by engaging in a verbal confrontation. The facts do not, however, establish that D. treated the claimant in a way that amounts to intolerable or detrimental work environment. Therefore, as of May 18, 2008, the claimant is not qualified to receive benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code section 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending June 7 through July 19, 2008. The claimant has been overpaid \$2,429.00 in benefits she received for these weeks.

**DECISION:**

The representative's June 30, 2008 decision (reference 01) is reversed. The claimant voluntarily quit her employment for personal reasons, but these reasons do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 18, 2008. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The claimant has been overpaid and must repay a total of \$2,429.00 in benefits she received for the weeks ending June 7 through July 19, 2008.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs