

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMAYA J REESE
Claimant

APPEAL NO: 11A-UI-16181-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TM1 STOP LLC
Employer

OC: 06/19/11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 12, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer as a full-time sales representative on July 11, 2011. The claimant's first supervisor allowed the claimant to make up time she missed when school started in August. The claimant primarily took night classes, but her Tuesday and Thursday morning classes prevented her working three scheduled hours of work. The claimant wanted to make up the three hours because she earned a higher hourly wage when she worked 40 hours.

In late August, the claimant and other employees were moved to another department for performance issues. The claimant's new department supervisor would not allow her to make up three hours of work during any break. The employer was not open during the weekend.

The claimant's supervisor, J.D., became frustrated with the claimant when he tried to teach her new job tasks or tried to explain what she needed to do to improve her work performance. The claimant did not believe he was patient with her and complained about his impatience to J.D.'s supervisor. When J.D. became frustrated with the claimant, she felt that he was talking down to her.

The claimant started receiving written warnings for her attendance. When the claimant met with the employer, she explained that she could not change her class schedule until January. The employer indicated they would try to work with the claimant and her Tuesday and Thursday classes.

As a result of the conflicts she had with her classes and work and her supervisor's impatience and frustration with her, the claimant felt stressed out at work. On October 13, when J.D. again became upset and frustrated when the claimant did not grasp a concept he tried to explain to her, she quit.

She told J.D. she quit because she did not like the work environment, his attitude, and the way he talked to her.

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 § 96.5(1). The claimant has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

Even though the claimant wanted the higher hourly wage, she knew or should have known when she enrolled in a class on Tuesday and Thursday mornings, she would be unable to work 40 hours a week. The evidence does not establish that the employer guaranteed her 40 hours a week when she went to school, only that the employer would work with her. After the claimant was transferred to another department, the supervisor did not know the employer had told the claimant they would work with her and her school schedule. Even though the claimant had received some written warnings for attendance issues, her job was not in jeopardy for attendance issues. The fact the employer would not allow her to make up three hours by eliminating or cutting down scheduled breaks does not establish a good cause for quitting.

The primary reason the claimant quit was because of a personality conflict between she and her supervisor, J.D. The claimant had complained that he needed to be more patient with her. She did not like it when she did not understand what he was trying to explain to her and he became frustrated with her. Even though the claimant felt guilty when her supervisor became frustrated, she did not establish that she quit for intolerable working conditions. 871 IAC 24.26(4). Instead, the evidence indicates she quit because she had a personality conflict with her supervisor. 871 IAC 24.25(22). The claimant quit for personal reasons, but she did not quit for reasons that qualify her to receive benefits. As of October 13, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's December 12, 2011 determination (reference 02) is affirmed. The claimant voluntarily quit her employment for personal reasons, but her reasons do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 13, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw