

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAWN M JOHNSON-SWEENEY
Claimant

UNITED PARCEL SERVICE
Employer

APPEAL NO. 16A-UI-10899-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/04/16
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 29, 2016, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 20, 2016. Claimant participated. Employer participated by Lance King. Employer's exhibit 1 was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 29, 2016. Claimant had put in her two weeks' notice on September 15, 2016. Claimant did not notify her employer of the reasons for quitting in writing when she put in her notice.

Prior to claimant putting in her letter of resignation, claimant went to her supervisor to complain of her coworker's aggressive behavior. Claimant's coworker had intimated that he wanted claimant's position, and when claimant attempted to teach the coworker new processes, the coworker would cast aside her guidance as he stated he already knew how to do it.

Claimant spoke with her direct supervisor after she'd put in her letter of resignation. The supervisor indicated that he understood claimant's difficulties with her coworker, and that he was going to be moved to another section in January of 2017 – in approximately four months. The supervisor did not offer claimant anything in order to deal with the coworker for the next four months prior to the transfer to another area.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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(6) and (21) 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.

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was unable to get along with a coworker. Although claimant had spoken with her supervisor about her difficulties with a coworker, said difficulties did not arise to a level wherein claimant's quit would be seen as good cause attributable to employer.

DECISION:

The decision of the representative dated September 29, 2016, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs