

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MONICA M RONEY
113 – 1ST AVE
BOX 227
COLLINS IA 50055

A & P INC
SUBWAY
2400 RIDGETOP CIRCLE
AMES IA 50014

Appeal Number: 04A-UI-04203-B4T
OC: 02/22/04 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Whether Claimant Voluntarily Left her Employment with Good Cause Attributable to the Employer

STATEMENT OF THE CASE:

Monica M. Roney appealed from an unemployment insurance decision dated March 19, 2004, reference 01, that held, in effect, the claimant voluntarily left her employment with A & P, Inc. on February 23, 2004 without good cause attributable to the employer. Unemployment insurance benefits were denied.

A telephone conference hearing was scheduled and held on April 28, 2004 pursuant to due notice. Monica M. Roney participated. No one responded on behalf of the employer by providing a name and telephone number of a representative to be contacted. A & P, Inc. was not represented during the hearing held.

Official notice was taken of the unemployment insurance decision dated March 19, 2004, reference 01, together with the pages attached thereto (4 pages in all).

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Monica M. Roney was initially employed as a sandwich artist on May 3, 2002 with A & P, Inc., operating a Subway facility in Ames, Iowa. The claimant continued in her employment until August 23, 2004. The claimant performed the job duties of management at times for the employer when Sue Amin and Andy Amin, Co-Owners were not available.

During the latter portion of the claimant's tenure of employment, she had hired a woman as a sandwich artist. On or about August 22, 2004, the claimant became aware that Sue Amin had appointed the woman hired by the claimant as an assistant manager. The claimant became upset that she was not appointed assistant manager. The claimant called Sue Amin on the phone and asked if it was true that she had appointed the woman as assistant manager. Ms. Amin reported that it was. The claimant informed Ms. Amin that she wanted the position even though it may not have paid additional wages. The claimant became upset because she was overlooked for the position and left her employment on that date. On the following day, the claimant contacted Andy Amin, Co-Owner and asked him why she gave the position to the woman that had been hired after the claimant. Andy Amin told her to call Sue, which the claimant did. The claimant then held a conversation with Sue Amin who informed her that she had authority to hire who she wanted for an assistant manager.

The claimant had become upset with the working environment and upset because she was not promoted in the manner of which she thought should have occurred.

REASONING AND CONCLUSIONS OF LAW:

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(21), (22), (27) provides:

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

(22) The claimant left because of a personality conflict with the supervisor.

(27) The claimant left rather than perform the assigned work as instructed.

The claimant clearly was dissatisfied with the work environment because she was not promoted as assistant manager. The claimant apparently had a personality conflict with Sue Amin, Co-Owner and left rather than perform the assigned work that was available to her.

The administrative law judge concludes that Monica M. Roney voluntarily left her employment with A & P, Inc. on February 23, 2004 without good cause attributable to the employer within

the intent and meaning of Iowa Code Section 96.5-1 and the foregoing sections of the Iowa Administrative Code

DECISION:

The unemployment insurance decision dated March 19, 2004, reference 01, is affirmed. Monica M. Money voluntarily left her employment with A & P, Inc. on February 23, 2004 without good cause attributable to the employer and benefits are denied until such time as she has requalified under the provisions of the Iowa Employment Security Law.

kjf/b