

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAWN M DOHRMUND HORN
Claimant

CDS GLOBAL INC
Employer

APPEAL NO. 17A-UI-13112-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/26/17
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 December 11, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 11, 2018. Claimant participated. Employer participated by John Noll. Claimant's Exhibits A-D were 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 November 15, 2017. Claimant voluntarily quit her job on November 20, 2017 after she received a first written write up at work.

Claimant worked as a supervisor for employer. Claimant stated that she was stressed by her manager at work, but further stated that she loved her job. In March of 2017, claimant took time off of work to deal with a bleeding ulcer that she says was caused by work stress. She came back to work in the end of May, and in June, 2017, the employer had a documented discussion surrounding her behavior and performance. Claimant stated that this written discussion exacerbated her illness.

Claimant kept working, and on November 10, 2017, claimant received a first written warning from employer detailing areas where her manager believed claimant was deficient. Claimant believed that this written warning was not correct in its assessments and voiced her concerns with human resources and the chief workforce officer. Claimant refused to sign the written warning and wanted to have the written warning removed from her file. Employer would not remove the warning from claimant's file, but stated that claimant's comments surrounding the warning would be included with the file containing the warning.

Claimant complained that she'd asked her manager for additional training on multiple occasions, to no avail. When claimant separately called human resources and the chief workforce officer,

arrangements were made to have claimant immediately be involved in training to address her deficient matters.

Although these attempts to address claimant's concerns were made, claimant still chose to terminate her employment. At that time of her quit, claimant's job was not in jeopardy and there was ongoing work available for claimant.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(22) 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.

Iowa Admin. Code r. 871-24.25(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:

(28) The claimant left after being reprimanded.

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 given a written warning by her manager. Although employer attempted to immediately address claimant's issues raised to human resources after receiving her written warning, claimant did not continue working to see if the requested training actually came about. Claimant's concerns about her supervisor were also being addressed by

employer, but claimant chose not to continue her work. This is not seen as a good cause quit attributable to employer's actions.

DECISION:

The decision of the representative dated December 11, 2017, reference 01, 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/scn