

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

NANCY L KLEIN
9305 SANDLER DR #5
URBANDALE IA 50322

WELLS FARGO BANK
c/o TALX EMPLOYER SERVICES
PO BOX 1160
COLUMBUS OH 43216-1160

Appeal Number: 05A-UI-08197-CT
OC: 07/17/05 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) – Voluntary Quit

STATEMENT OF THE CASE:

Nancy Klein filed an appeal from a representative's decision dated August 5, 2005, reference 01, which denied benefits based on her separation from Wells Fargo Bank. After due notice was issued, a hearing was held by telephone on August 25, 2005. Ms. Klein participated personally. The employer did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Klein was employed by Wells Fargo Bank from January 30, 1997 until July 15, 2005. She was last employed full time as an operations clerk assigned to the bankruptcy department. She quit the employment because of the manner in

which she was treated by her supervisor, Sharon Bascom. Ms. Klein felt she was given more work than she could handle. When she requested assistance, she was often told that no one was available to help her. Others who requested assistance were provided assistance more frequently.

Ms. Klein felt the supervisor treated certain individuals differently. Some were allowed to have personal telephone calls but others were not. Some individuals were allowed to walk around without shoes but Ms. Klein was reprimanded for doing so when she had a broken foot. On one occasion, Ms. Klein was reprimanded for having more errors than allowed but had not been advised that there was a specified limit. Ms. Klein felt she was being unfairly reprimanded and went to human resources with her concerns. She was told by human resources that Ms. Bascom had properly reprimanded her. Ms. Klein never notified either her supervisor or human resources that she intended to quit if certain work-related problems were not corrected. The decision to quit was prompted by the fact that Ms. Klein was again reprimanded regarding her errors on July 15.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Klein was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Klein indicated she quit because of harassment from her supervisor. The evidence does not establish this contention. Ms. Klein was reprimanded for making errors in the performance of her job. It is within the employer's prerogative to address performance issues by issuing reprimands. Ms. Klein had no real way of knowing if or when other employees were disciplined or for what matters. She pointed to a case in which a coworker made more errors than allowed in Ms. Klein's work but was not disciplined. However, she acknowledged that this individual performed a different job than she. Ms. Klein failed to establish that she was subjected to unfair or unwarranted disciplinary action or that others were not similarly disciplined for similar conduct or performance.

The other problems complained of by Ms. Klein do not rise to the level of intolerable or detrimental working conditions. The administrative law judge does not doubt Ms. Klein's testimony that some people were allowed to have personal calls and others were admonished not to. Nor does the administrative law judge doubt her testimony that others were not always receptive to her requests for assistance when she could not handle her workload. These matters were not so substantial as to constitute good cause attributable to the employer for quitting. They certainly were not so substantial as to justify quitting without first giving the employer an opportunity to take corrective action. Ms. Klein never put the employer on notice that she was dissatisfied with her supervisor to the extent that she would quit if the matter was not resolved.

After considering all of the evidence, the administrative law judge concludes that good cause attributable to the employer for quitting has not been established. Accordingly, benefits are denied.

DECISION:

The representative's decision dated August 5, 2005, reference 01, is hereby affirmed. Ms. Klein voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured

work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjw