

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARLA S WISTROM**  
Claimant

**APPEAL NO. 07A-UI-06237-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAZOLI'S RESTAURANT**  
Employer

**OC: 05/20/07 R: 02  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Carla Wistrom filed an appeal from a representative's decision dated June 15, 2007, reference 02, which denied benefits based on her separation from Fazoli's Restaurants. After due notice was issued, a hearing was held by telephone on July 10, 2007. Ms. Wistrom participated personally. The employer participated by Tammy Panada, Restaurant Manager.

**ISSUE:**

At issue in this matter is whether Ms. Wistrom was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wistrom was employed by Fazoli's Restaurants from November 10, 2006 until January 21, 2007. She was hired to work from 20 to 30 hours each week as a dining room attendant. She voluntarily quit the employment because she did not like Chris, one of the managers. She found him to be rude and sarcastic. On one occasion, he had her clean a front window on repeated occasions because he did not feel it was clean enough. He also had her cleaning out a messy garbage can in an area she felt was inappropriate because of its proximity to customers.

There was an occasion when Chris was seated at a table near Ms. Wistrom. She was having a conversation with others regarding the work environment. Chris overheard what she was saying and told her she could leave if she did not like it. Ms. Wistrom told Tammy Panada that she did not want to work with Chris and called off if scheduled to work with him. Ms. Panada began scheduling her for days Chris did not work. This limited the number of hours available to schedule her. Because she felt Chris was constantly harassing her, Ms. Wistrom quit on January 21, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

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. Wistrom quit because she did not like Chris. Although she established that Chris can be a less than pleasant individual, she did not establish any conduct on his part that would constitute good cause attributable to the employer for quitting.

Chris did intrude on a personal conversation and told Ms. Wistrom she could leave if she did not like the job. This conduct was not so outrageous as to constitute good cause for quitting. Although Ms. Wistrom may not have liked some of her job assignments from Chris, the tasks were not clearly inappropriate. The administrative law judge does not doubt that Ms. Wistrom may have felt harassed by Chris. However, she did not provide sufficient specific details of his conduct to establish good cause attributable to the employer for quitting.

The administrative law judge concludes that Ms. Wistrom quit her job because of a personality conflict with Chris, her supervisor. Under such circumstances, she is not entitled to job insurance benefits. See 871 IAC 24.25(22).

**DECISION:**

The representative's decision dated June 15, 2007, reference 02, is hereby affirmed. Ms. Wistrom 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.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw