

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DENNIS A BROWN
Claimant

WINEGARDNER & HAMMONS
Employer

APPEAL 14A-UI-10903-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/28/14
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 16, 2014, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 7, 2014. Claimant participated. Employer did not participate as their representative did not answer the telephone when the administrative law judge called to begin the hearing. Employer's Exhibit One was entered and received into the record. Claimant's Exhibit A was entered and received into the record.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as an engineer beginning on April 7, 2013 through October 29, 2014 voluntarily quit. The claimant did not get along with his new supervisor, Justin. Approximately two or three months before he quit, he alleges that Justin called him "lazy" and/or a "lazy bastard." When the claimant complained to Justin's supervisor, Jason, the situation was rectified and Justin ceased calling the claimant names. Justin continued to watch the claimant perform his work duties. The employer is allowed to watch employees while they are at work. One of the claimant's good friends at work and the former chief engineer had been discharged some three months prior to the claimant's decision to quit. The claimant alleges that he quit because he was being harassed. However, just a few hours after he turned in his resignation which had been accepted by the employer, he asked to rescind it. The claimant was willing to continue working under the same conditions, which persuades the administrative law judge that he did not quit due to intolerable working conditions because he was willing to continue working. The claimant voluntarily quit because he had a personality conflict and could not get along with his new supervisor.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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 (22) provide:

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 § 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 § 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.

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

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The claimant complained about behavior from Justin that was remedied by his employer. He did not quit due to intolerable working conditions because he was willing to continue working. The claimant simply did not like his new supervisor and chose to quit. Once he gave his notice, whether in writing or verbally the employer accepted it and was under no obligation to allow the claimant to rescind it. Thus, while claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The October 16, 2014 (reference 01) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css