

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TARA D MORRIS
Claimant

APPEAL NO. 07A-UI-05377-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US BANK NATIONAL ASSOCIATION
Employer

OC: 04/29/07 R: 02
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

US Bank National Association (employer) appealed a representative's May 14, 2007 decision (reference 01) that concluded Tara D. Morris (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 11, 2007. The claimant participated in the hearing. Kelly McQuerry, the branch manager as of April 2, 2007, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working as a full-time teller for the employer on January 3, 2007. When the claimant started L. was the branch manager. L. had some issues and employees complained about her. The employer transferred McQuerry to the claimant's location on April 2, 2007. After McQuerry arrived, the claimant submitted her two-week notice. The claimant informed McQuerry she was quitting because of the disorganization and lack of professionalism at work. The claimant believed L. was extremely lazy and took care of personal issues instead of customers. McQuerry asked the claimant to give the employer an opportunity to make the working conditions better. McQuerry asked the claimant to continue her employment, and not resign. The employer understood the claimant decided to continue her employment.

The employer had a program where employees could pay \$25.00 to wear jeans and a March of Dimes T-shirt for five Fridays. When the claimant received her T-shirt, it was very baggy. The

claimant wore her jeans and the T-shirt on April 6. When the claimant went to another bank location that day, an employee asked if the claimant had a day off from work. The claimant received inaccurate information from an employee at another location that employees were not required to wear the March of Dimes T-shirt if they wore jeans to work on a Friday.

On April 13, the claimant wore jeans to work, but did not wear the March of Dimes T-shirt. The claimant noticed L. wore jeans to work that day, but did not have on a March of Dimes T-shirt. Later on April 13, McQuerry noticed the claimant did not have on the March of Dimes T-shirt and called the claimant into her office. McQuerry told the claimant that if she wore jeans to work, the employer required the claimant to wear the T-shirt. The claimant did not know that L. had been excused from wearing the T-shirt, because even though she had paid for and ordered a T-shirt, L. did not receive a March of Dimes T-shirt. As a result of the conversation, McQuerry understood the claimant agreed to go home, change and come back to work wearing the March of Dimes T-shirt that day.

Before the claimant left work on April 13, she told the head teller she was not coming back to work because she had previously submitted her two-week notice and she was quitting. The claimant did not return to work or talk to McQuerry again. The claimant quit because she did not see any changes at work during the two weeks McQuerry worked as the branch manager.

The claimant established a claim for unemployment insurance benefits during the week of April 29, 2007. The claimant filed claims for the weeks ending May 5 through June 9, 2007. The claimant received her maximum weekly benefit amount of \$312.00 for each of these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits without good cause when she quits because of dissatisfaction with the work environment or because of a personality conflict with a supervisor. 871 IAC 24.25(21) and (22). The claimant quit because she believed the work environment was disorganized and unprofessional, which a management employee created because she did not help customers or employees when needed. The employer ultimately realized there were management issues at the claimant's work location and brought in McQuerry to resolve the problems. The claimant resigned when McQuerry began and left at the end of her two-week resignation. If the claimant did not intend to resign if McQuerry could straighten out problems with organization, she did not give the employer an opportunity to make the necessary changes. The claimant did not give the employer a reasonable opportunity to make any meaningful changes. Even when McQuerry sent the claimant home to put on the March of Dimes T-shirt or slacks, the claimant did not indicate she was quitting and did not intend to return to work. Instead, she gave McQuerry the impression going home to change was not a problem and she would return to work.

The claimant established personal reasons for quitting. These reasons do not qualify the claimant to receive unemployment insurance benefits. As of April 29, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the

overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending May 5 through June 9, 2007. The claimant has been overpaid \$1,872.00 in benefits she received for these weeks.

DECISION:

The representative's May 14, 2007 decision (reference 01) is reversed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 29, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive benefits for the weeks ending May 5 through June 9, 2007. The claimant has been overpaid and must repay a total of \$1,872.00 in benefits she received for these weeks.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css