

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDY J WHIPPLE
Claimant

APPEAL NO: 13A-UI-00682-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HPC LLC
Employer

OC: 12/09/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Sandy J. Whipple (claimant) appealed a representative's January 10, 2013 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with HPC, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 27, 2013. The claimant participated in the hearing. Tammy Manfull appeared on the employer's behalf and presented testimony from one other witness, Curtis Pike. 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.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on May 29, 2012. She worked full time on accounts receivable in the employer's commercial construction general contracting business. Her last day of work was December 11, 2012.

On the morning of December 11 the claimant was brought into a meeting with Pike, co-owner and manager of the business, and Manfull, payroll manager. Pike intended the meeting to go over the status of a particular project and then to give the claimant her six-month performance review. Early in the meeting he reprimanded the claimant for failing to enter certain invoices into the system; the claimant reminded him that she had pointed out about a month prior that there were discrepancies in the invoices, and that she had been instructed not to enter them. As the meeting progressed, the claimant announced that she could see that she did not have a future with the employer and that she was going to leave the employment.

Although she did not specify her exact reasons to the employer, she felt that she was not being given needed training, that communication was lacking, and that she was not being given more work to do despite indicating an interest and willingness to learn to do more. The claimant had never indicated to Manfull or Pike that these issues were serious enough that she was contemplating quitting. Further, she felt that Manfull's treatment of her had been inappropriate and unprofessional. Specifically, on the morning of December 10 the claimant had gone to Manfull indicating that she needed to go to an urgent meeting that afternoon with her attorney regarding an issue related to a pending child custody case. The claimant found Manfull's response, in which she became somewhat agitated and indicated that she "didn't have time" to deal with the claimant's work as well as her own, despite having been informed in July 2012 that there was a pending child custody case which could occasionally require the claimant to miss work, to be inappropriate and unprofessional. However, the claimant was able to leave to go to the appointment.

After the claimant indicated in the December 11 meeting that she had decided to leave the employment, she offered to stay for up to two months to allow the employer to find a replacement. Pike responded that that would not be necessary, but that it would be good if she could stay on long enough to finish work on the particular project, which he contemplated could be several weeks. The claimant replied that she could have the work on the project completed that same day.

Shortly after the meeting ended and the claimant returned to her desk, Manfull approached her and made a comment to her to the effect that she was sorry "if I made your life a living hell." She then left the claimant's work area and went about her business. At that point, the claimant decided that this comment by Manfull was further inappropriate and unprofessional conduct, and decided to leave immediately, which she did.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a coworker or supervisor is not good cause. 871 IAC 24.25(6), (21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Rather, her complaints do not surpass the ordinary tribulations of the workplace. The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's January 10, 2013 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of December 11, 2012, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs