

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER E PACKINGHAM**  
Claimant

**APPEAL NO: 13A-UI-00252-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RES-CARE IOWA INC**  
Employer

**OC: 12/02/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 3, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing with her witness, Winter Packingham. Robyn Midyett, the executive director, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer in July 2012 as an office manager. Since September, the claimant worked as a scheduler. Midyett supervised her. The new human resource representative, L., trained the claimant. L. had worked as a scheduler before she became a human resource representative.

The claimant had problems with L. L. continued to do scheduling because the claimant and other employees in this position were new. The claimant believed that when a client complained about the way L. had scheduled something, she blamed the problem on the claimant.

In mid-September after the claimant complained about L., the employer acknowledged L. had a difficult time giving up scheduling. The employer asked the claimant to document problems. The employer indicated that the employer was looking at moving L.'s office. Problems continued between the claimant and L. The claimant thought L. made it look like the claimant made mistakes when the claimant had not made mistakes.

The claimant told Midyett she would have to start looking for another job because she could not resolve the issues she had with L. In November, Midyett then had the claimant and L. in a meeting to talk to one another and decide how they could help each other rather than be at odds with one another. The employer did not take all the scheduling responsibilities away from L. because the employer needed L. as a backup scheduler.

The claimant did not work on November 27. On November 28, when she returned to work, she had two emails waiting for her from L. L. had copied the emails to Midyett and Russ Milane. In one email L. stated a home health aide was concerned about the all the hours she had been scheduled in comparison to the number of hours she wanted to work. L. indicated this person was afraid to talk to the claimant about her schedule. The claimant considered information in this email false because she was a personal friend of this employee and they talked all the time. The second email indicated another direct care provider wanted more hours and she had begged the claimant for more hours, but did not get them. L. reported that this employee had called the claimant about her scheduled hours, but the claimant did not respond to this employee's calls. The claimant again considered L.'s statements in the second email as false.

The emails L. sent to the claimant were the last straw for her. On November 28, the claimant responded by sending an email to L. with a copy to Midyett and Milane. In the claimant's email she stated that she did not understand how L. could believe the worst of her without proof. The claimant then told the employer she quit. The claimant quit because L. reprimanded her for doing her job the way she understood L. told her to do it and she was tired of dealing with L.

After receiving the claimant's email, a regional human resource representative contacted the claimant. When the claimant was asked if she could forget what had happened that day and was she interested in another job. The claimant responded yes. Milane then contacted the claimant a short time later and offered her a job in medical records. After he made a comment defending L., the claimant declined the medical records position.

When Midyett talked to the employees L. had commented about in the emails that upset the claimant, she learned that part of L. stated was true, but some of her comments had been misinterpreted.

#### **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 benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she leaves employment because of a personality conflict with a supervisor. 871 IAC 24.25(22). The law also presumes a claimant quits because of detrimental or intolerable working conditions. 871 IAC 24.26(4).

The evidence indicates the claimant blamed L. for mistakes she made because the claimant only followed L.'s instructions. L. was quick to reprimand the claimant for scheduling mistakes, even if L. had made the mistake. The employer recognized there were problems between the claimant and L. In November the employer tried to get the two women to talk to one another and work out their differences. This meeting resulted in a short-term temporary fix. Ultimately, L. and the claimant viewed situations differently. While neither person was totally at fault, neither person was blameless either for the conflicts they had with one another. Ultimately, the

claimant quit she did not want to deal with L. anymore or have anyone in management defend L.'s actions.

While the claimant does not acknowledge she and L. had a personality conflict, her actions do not support this assertion. The employer was in the process of trying to resolve the conflict between the claimant and L. by asking the claimant to document specific incidents where L. had treated the claimant unfairly or belittled her and having the two of them meet together in an attempt to resolve their conflicts. The employer even offered the claimant in which L. had no input. The evidence indicates the claimant ultimately quit because she did not want to deal with conflicts associated with L. any longer.

The claimant quit for personal reasons, but the facts do not establish she quit for reasons that qualify her to receive benefits. As of December 2, 2012, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's January 3, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 2, 2012. 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.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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