

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIE WHITE
Claimant

KOCH FOODS
Employer

APPEAL 15A-UI-04693-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 10, 2015 (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on May 26, 2015. The claimant participated. The employer participated through Carolyn Deloach.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a second shift superintendent and was separated from employment on February 25, 2015; when he resigned without notice. Continuing work was available.

The claimant was issued a written warning on February 25, 2015, for unsatisfactory job performance based on February 20, 2015. The reprimand was in response to poor staffing allocation and incompleteness of orders. The claimant felt the reprimand was unjustified based on the existing mechanical issues and the micromanagement of his supervisor, Wilbur Holmes. The claimant resigned without notice in response.

The claimant's decision to resign was based on feeling disrespected and due to unprofessional conduct he experienced of upper management. In addition to having issues with Mr. Holmes, the claimant did not agree with Mr. Joe Szadziwicz; who had told the claimant to "shut up" on one occasion and told him to put his "ass on the line" with regard to a staffing matter. The last time an issue occurred with Mr. Szadziwicz was about two weeks prior to resignation.

Prior to resignation, the claimant did not speak with Ms. Deloach, the human resources manager, about any ongoing issues with his supervisor or upper management. The claimant had historically called Ms. Deloach with urgent matters, had her cell phone number, and walked by her office frequently.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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(22), (28), and (37) provides:

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 section 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 section 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:

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

(28) The claimant left after being reprimanded.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The 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 also resigned due to feeling disrespected and being in an unprofessional environment after being reprimanded. No evidence was presented that the claimant was being singled out or treated unfairly. A claimant with work issues or grievances must make some effort to provide notice to the employer to give the employer an opportunity to work out whatever issues led to the dissatisfaction. Failure to do so precludes the employer from an opportunity to make adjustments which would alleviate the need to quit. Denvy v. Board of Review, 567 Pacific 2d 626 (Utah 1977). The claimant also did not exhaust reasonable options to preserve his job by telling his human resources manager, with whom he had an existing professional relationship with, that he disagreed with upper management and was contemplating resignation. As such, the employer could not intervene and seek resolution, which would permit the claimant to remain employed.

Based on the evidence presented the claimant's leaving the employment may have been based upon good personal reasons, but the claimant's decision to quit because he did not agree with a reprimand and his management about various issues was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The April 10, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/can