

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CORINNE J SCHADE
Claimant

**THE CONSUMERS COOPERATIVE
SOCIETY**
Employer

APPEAL 21A-UI-18765-AD-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/21/21
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On August 26, 2021, Corinne Schade (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated August 23, 2021 (reference 01) that disqualified claimant from receiving unemployment insurance benefits based on a finding she quit work on March 25, 2021 without good cause attributable to employer.

A telephone hearing was held on October 15, 2021. The parties were properly notified of the hearing. The claimant participated personally. Former coworker Amy Reiks participated as a witness for claimant. The Consumers Cooperative Society (employer/respondent) participated by General Manager Edgar McGuire. Official notice was taken of the administrative record.

ISSUES:

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant worked for employer as a full-time receptionist. Claimant's first day of employment was June 2020. Claimant's immediate supervisor was McGuire. The last day claimant worked on the job was March 24, 2021. Claimant resigned on that date.

Claimant resigned because she did not wish to take direction from McGuire. McGuire counseled her the day prior about a customer service issue. Rather than accepting the counseling, she was insubordinate and blamed McGuire for the issue. She then took the rest of the day off.

The following morning McGuire met with claimant in his office to discuss the issue and her need to accept direction from him. Claimant walked out of the meeting before it was over and then refused to engage with McGuire further when he followed her to her work area. McGuire then clocked her out and told her to go home and return when she was ready to talk.

Claimant did not return after that date. McGuire reached out to her the following morning to discuss matters further and she told him to “lose her number.” McGuire did not discharge claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated August 23, 2021 (reference 01) that disqualified claimant from receiving unemployment insurance benefits based on a finding she quit work on March 25, 2021 without good cause attributable to employer is AFFIRMED.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

Iowa Admin. Code r. 871-24.25 provides in relevant part:

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:

(21) The claimant left because of dissatisfaction with the work environment.

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

(27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). “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”. *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

“Good cause” for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 S.2d 827 (Florida App. 1973). While a notice of intent to quit is not required to obtain unemployment benefits where the claimant quits due to intolerable or detrimental working conditions, the case for good cause is stronger where the employee complains, asks for correction or accommodation, and employer fails to respond. *Hy-Vee Inc. v. EAB*, 710 N.W.2d 1 (Iowa 2005).

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. A voluntary quitting of employment requires that an employee exercise a voluntary choice between remaining employed or terminating the employment relationship. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). 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).

Employer has carried its burden of proving claimant's departure from employment was voluntary. However, claimant has not carried her burden of proving the voluntary leaving was for good cause attributable to employer.

Claimant resigned because she did not wish to take direction from McGuire. She wanted to perform her work the way she wished to and was insubordinate toward McGuire when he sought to counsel her, including leaving a meeting on March 24, 2021 before being dismissed. McGuire sent her home that day as a result but did not discharge her. She chose not to return after that time, even after McGuire contacted her the following morning and asked to discuss things with her further.

Claimant resigned due to a dissatisfaction with the work environment, due to a personality conflict with McGuire, and rather than performing the assignment work as instructed. These reasons are presumed to be without good cause attributable to employer and the administrative law judge finds they were without good cause here. The separation from employment was therefore disqualifying and benefits are denied.

DECISION:

The decision dated August 23, 2021 (reference 01) that disqualified claimant from receiving unemployment insurance benefits based on a finding she quit work on March 25, 2021 without good cause attributable to employer is AFFIRMED. Claimant's separation from employment was disqualifying. Benefits must be denied, and employer's account shall not be charged. This disqualification shall continue until claimant has earned wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is not otherwise disqualified or ineligible.



Andrew B. Duffelmeyer
Administrative Law Judge
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October 21, 2021 _____
Decision Dated and Mailed

abd/ol

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.