

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RUTH A BYERS**

Claimant

**APPEAL NO: 12A-UI-03095-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BRIDGESTONE AMERICAS TIRE**

Employer

**OC: 01/29/12**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's March 16, 2012 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, Edith Solano. Jim Funcheon, the director of human resources; Tim McKnight, a production leader; Tom Barrigan, a human resource section manager; and Steve Hill, the claimant's supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes that the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in November 2010. She worked as a full-time operator. Hill supervised the claimant most of the time that she worked for the employer. The claimant did not have any problems with Hill until the last three months of her employment.

Prior to January 29, 2012, the claimant's job was not in jeopardy, but Hill sometimes talked to her about her job performance, which was up and down or satisfactory or unsatisfactory. The claimant concluded that Hill singled her out by being mean to her and talking to her about what she needed to do in front of other employees. Although the claimant realized Hill's job was assigning jobs to employees, she did not like his attitude toward her. She thought he treated her like a child and was mean and cruel to her. The claimant got to the point that when Hill assigned the claimant a job, she became stressed out.

The claimant talked to co-workers about the way she felt Hill treated her. The employees who trained the claimant told her to keep notes of problems she had with Hill. Even though the claimant was informed during orientation about the employer's open-door policy, she did not

report any problems she had with Hill to the human resource department or to any union representative.

On the claimant's last day of work, January 28, there were problems with production. There was also a mess on the floor because of a jam up. Hill told her to clean up the mess in front of other employees. When he assigned her a job to move material and use an elevator to do this, Hill gave the claimant explicit instructions and also green slips of paper to follow to get this job completed. Even though Hill used green slips with all employees, the claimant felt giving her green slips was the equivalent to treating her like a child or dog. Hill went on the elevator once with the claimant that day. When she used the elevator by herself, the claimant had problems getting the door open and getting out. She concluded that Hill knew the elevator was not working properly and assigned this job to her so she would get stuck in the elevator. After she had problems getting out of the elevator, she was extremely stressed.

On her last day of work, January 28, Hill noticed the claimant acted unusual. As a result of her unusual behavior and conduct, he asked to come to his office with a union official. When she was in the office, the employer asked the claimant to take a drug test. The claimant refused to take the requested drug test, because she no longer wanted to work under Hill's supervision. The claimant employment ended on January 28 or 29, 2012.

#### **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 or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. This case could be decided either way, as a quit or a discharge. Under either scenario, the claimant is not qualified to receive benefits. Since the claimant asserted she quit and refused to take the requested drug test because she did not want to work with Hill, this administrative law judge concludes the claimant quit her employment. 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 voluntarily quits employment without good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant quits without good cause when she leaves because of a personality conflict with a supervisor. 871 IAC 24.25(22).

The claimant's assertion that Hill was mean and treated her like a child is not supported by the evidence. Even though the claimant perceived Hill as being mean when he gave her green slips of paper, he gave green slips of paper to all employees who did not usually do a particular job. It is highly probable that the claimant became very stressed out when she could not immediately get out of an elevator. Her contention that Hill directed her to use the elevator because he knew she would have problems getting out is not supported by any evidence.

The claimant knew or should have known the employer had an open-door policy. The claimant did not take any concerns she had about Hill to anyone in management. Her failure to do this prevented the employer from investigating and possibly resolving issues the claimant had with Hill. For the last three months, Hill said and did things that the claimant did not appreciate. The last day of work when the claimant encountered a combination of problems, no rubber, being told to clean up a mess on the floor, getting frustrated with the machine she operated, and using an elevator to move items and then not being able to get out of the elevations right away became too much for the claimant. She was stressed out. The combination of all these incidents brought her to her breaking point. She decided then she was not going to continue

working under Hills's direction. She not only refused to follow his directive to have a drug test completed, she also refused to work and quit.

The claimant established personal reasons for quitting. Her reasons for quitting do not qualify her to receive benefits.

In the alternative, the employer discharged for insubordination when she refused to take a drug test. The claimant's refusal establishes an intentional and substantial disregard of the employer's interests. 871 IAC 24.32(1)(a). If the employer discharged her, she committed work-connected misconduct. As of January 29, 2012, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's March 16, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 29, 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

dlw/kjw