

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAMELA S DAVIS
Claimant

APPEAL NO. 09A-UI-15857-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

YELLOW BOOK USA INC
Employer

**OC: 09-20-09 R: 03
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 9, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on November 24, 2009. The claimant did participate. The employer did participate through (representative) Christy Dalecky, Human Resources Manager and Renee Dede, Manager of Book Closing.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a book closing specialist full time beginning November 8, 1999 through September 17, 2009 when she voluntarily quit.

The claimant did not like the way that her supervisor Carisha supervised her and she did not like the increased work load due to layoffs. The claimant complained that her stress was increased by the increased work load. The claimant suffered from stress and anxiety prior to a change in supervisors or to the increased work load. Her supervisor did not treat her any differently than she did other employees. Nor was the claimant expected to perform any work that other employees were not also expected to perform. The supervisor wanted to keep the claimant on task and thus had her report what tasks she was working on and asked that the claimant give her warning if she was not going to meet her deadlines. The supervisor was well within her rights to ask the claimant to keep her informed about meeting deadlines and the supervisor was within her rights to determine what projects should be the claimant's priority. The claimant was given a verbal warning on September 16. The supervisor did not yell at her nor did she use profanity when speaking to her. No physician ever told the claimant to quit her job.

On September 17 the claimant was away from her desk for over one hour and then went outside on an unauthorized break and took another employee with her away from her job duties. When the employer met with her to talk about her being away from her desk, the claimant

voluntarily quit. The employer was within their rights to question the claimant about her whereabouts and why she was not at her desk working. Continued work was available for the claimant if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

871 IAC 24.25(21), (22), (28), (33) 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 § 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 § 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.

(28) The claimant left after being reprimanded.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

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 quit based on illness is clearly disqualifying except upon the advice of a licensed and practicing physician. Taylor v IDJS, 362 N.W.2D 534 (Iowa 1985). No physician ever told or advised the claimant to quit.

The claimant was disciplined on September 16 for how she was handling her job duties. The claimant was not told that she was going to be discharged, she was merely told what job duties were expected of her. The claimant was not happy with the way work was being assigned to employees including that other employees were laid off. The claimant was away from her desk for over one hour on September 17 and the employer questioned her about her whereabouts. The employer was within its rights in questioning the claimant. The employer has the right to allocate its personnel in accordance with its needs and available resources. The administrative law judge is not persuaded that the claimant's supervisor was harassing her or mistreating her by giving her a performance plan and by asking her to complete her job tasks in a particular order. While claimant's decision to quit may have been based upon good personal reasons it

was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The October 9, 2009, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs