

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANGELLA F CREAGAN**  
Claimant

**APPEAL NO. 09A-UI-09388-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMMERCIAL RESOURCES INC**  
Employer

**OC: 05/17/09**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Angella Creagan, filed an appeal from a decision dated June 23, 2009, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on July 16, 2009. The claimant participated on her own behalf. The employer, Commercial Resources, Inc, (CRI) participated by Vice President of Human Resources Rachel Hoffman, Director of Food and Restaurants Maggie Johnson, Director of Guest Services Tina Stansberry and General Manager William Burch.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Angela Creagan was employed by CRI from August 13, 2002 until May 20, 2009 as a full-time concierge. On May 20, 2009, the claimant had a confrontation with a cook, Linda. There was some confusion about a specific order and what should be prepared and how. At that point the claimant said maybe she should just quit and Linda said, "I think you should, your nerves are shot." Later Ms. Creagan told Linda she needed to make more bread sticks for the buffet and Linda said, "I wish you would quit, I'm sick of your attitude, I'm tired of coming to work and having to walk on eggshells."

After that Ms. Creagan went to Director of Food and Restaurants Maggie Johnson and said she had "had it" and she was quitting. Ms. Johnson asked her for details and asked her to calm down and they could discuss it because often people got tense and said things they did not mean. Ms. Creagan left, went out on the patio where Director of Guest Services Tina Stansberry was taking a break. She told Ms. Stansberry she was quitting and left.

Ms. Johnson called the claimant at home two hours later to see if she might have reconsidered and she had not. She had left messages for General Manager William Burch and when he returned her call later the claimant explained what had happened. She wanted to know if the employer would contest her unemployment claim and was told it would.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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(6) 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:

(6) The claimant left as a result of an inability to work with other employees.

The claimant quit because of a confrontation with a cook. There was no profanity used or threats of physical violence, no raised voices or throwing of objects, just an expression of dissatisfaction with Ms. Creagan's attitude. The claimant had not brought any complaints or concerns about this other employee to the attention of any manager and this appears to be an isolated incident. Her inability or unwillingness to work with other employees does not constitute good cause attributable to the employer and she is disqualified.

**DECISION:**

The representative's decision of June 23, 2009, reference 01, is affirmed. Angella Creagan is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/pjs