

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRYSTAL M KROUGH**  
Claimant

**APPEAL NO: 08A-UI-10549-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMPBELL OIL CO INC**  
Employer

**OC: 11/03/08 R: 01**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Crystal M. Krough (claimant) appealed a representative's November 3, 2008 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Campbell Oil Company, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 26, 2008. The claimant participated in the hearing with her witness, Kathryn Pitts. Katie Kintz, the manager, and Judy Hemphill appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on October 14, 2007. Kintz became the manager in December 2007. The claimant worked with Kintz and became the assistant manager.

The claimant considered A. a problem employee. She talked to Kintz about discharging A. Kintz suggested that the claimant confront A. about the problems the claimant had with her. Kintz thought A. would quit if the claimant confronted her. On Saturday, September 13, the claimant talked to A. over the phone and confronted her about the problems she had with her work. A. told the claimant she was quitting.

After talking to the claimant, A. contacted Kintz. Since the employer was extremely short staffed, Kintz allowed A. to continue working with the understanding she would not work with the claimant. Kintz sent the claimant a text message to inform her that Kintz had rehired A. The claimant did not understand why Kintz rehired A. after they had been talking about the problems the claimant had with A.

On Sunday, September 14, the claimant opened the business. While the claimant was working, Kintz called her to explain why she had rehired A. and under what conditions A. would continue her employment. The conversation degenerated to the point that both the claimant and Kintz were upset with the other person. The claimant believed Kintz undermined her authority as an assistant manager by rehiring A. and Kintz was tired of the claimant "riding" employees to do a better job at work. When the claimant indicated she was going to leave or walk out, Kintz told her that if she left work early, the employer would consider her to have abandoned her job and she would not have a job. Both the claimant and Kintz were upset and frustrated with one another toward the end of their phone conversation.

After the phone conversation with Kintz, the claimant called the owner to report that Kintz had just discharged her. The owner understood Kintz had terminated the claimant so he told the claimant to lock up the store and he would contact Kintz's supervisor, B. When B. contacted the claimant, she also understood Kintz had discharged the claimant and told the claimant she would look into the matter and possibly transfer the claimant to another store. The employer did not transfer the claimant to another store and recorded that the claimant voluntarily quit her employment on September 14, 2008.

#### **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 sections 96.5-1, 2-a. The parties presented conflicting testimony as to what was said during the September 14 phone conversation between the claimant and Kintz. The claimant asserted Kintz discharged her over the phone on September 14 and Kintz testified she told the claimant that if she walked out, she would not have a job because the employer would consider her to have abandoned her employment. The undisputed testimony reveals that after the two started talking about why A. had been rehired; both women became frustrated and upset with the other person. The claimant believed Kintz undermined the claimant's authority as the assistant manager by rehiring A. The claimant could not believe Kintz would rehire A. without first consulting the claimant. After the claimant questioned Kintz's decision to rehire the claimant, Kintz upset the claimant even more when she told the claimant to back down on criticizing other employees' work performance. Since the employer was already short staffed, it would be illogical for Kintz to have discharged the claimant when she had just rehired A. the day before because the employer was so short staffed. Based on common sense and Kintz's decision to rehire A. because the employer was so short staffed, Kintz's testimony is found more credible than the claimant's testimony. The claimant initiated her employment separation when she made the decision to leave work early even though she already knew Kintz would consider her to have abandoned her job and the employer would end her employment. The claimant's assertion that Kintz told the claimant she was done or fired is not credible. Since Kintz's version of the events is credible, her version is reflected in the Findings of Fact. Therefore, a preponderance of the credible evidence establishes the claimant quit her employment by leaving work early.

When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2. The claimant ultimately quit after Kintz reprimanded her for disciplining other employees too strictly and for questioning Kintz's authority to rehire A. 871 IAC 24.25(28). The claimant did not establish that she quit for reasons that qualify her to receive benefits. The claimant is not qualified to receive benefits.

(While the claimant may have attempted to rescind her resignation by contacting the owner and talking to Kintz's supervisor, the employer did not allow the claimant to rescind her resignation because the employer did not assign her to another location.)

**DECISION:**

The representative's November 3, 2008 decision (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 September 28, 2008. 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/pjs