

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CINTHIA L LANDIS
Claimant

AHOY CORPORATION
Employer

APPEAL 15A-UI-04028-JCT
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/08/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 23, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on May 4, 2015. The claimant participated. The employer participated through Tim Hoy.

ISSUE:

Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a manager and was separated from employment on February 21, 2015, when she resigned. Continuing work was available.

The claimant had been employed for over 18 years under the management of Mr. and Mrs. Hoy. The claimant stated on the day leading to her resignation she had a verbal altercation with one of the employees, Rayanna Meteer. Ms. Meteer wanted to put out a donation jar to collect money for another employee, who was temporarily out of work and the claimant, who was both employees' manager, did not agree. Prior to resignation, the claimant had prior meetings in September 2014 and January 2015 with the employer about ongoing tension with Ms. Meteer. The claimant had hired Ms. Meteer, and wanted the employer to choose between her and Ms. Meteer, which it did not do. Frustrated, the claimant elected to resign.

In addition to the tensions with Ms. Meteer, the claimant cited to issues about snow, ice and cold air contributing to her decision to quit. The claimant had back surgery in 2006, and would sometimes scoop the snow in front of the employer's premises to permit customer access. The employer had hired individuals to scoop, and Mr. Hoy testified he himself even scooped snow. The claimant felt responsible for ensuring the business could operate since she was the manager, but was not required to scoop the snow. In addition, the employer had addressed issues of icy parking lots and cold air blasts of a building that was over a hundred years old, by adding ice melt in bulk, and opening heat vents, prior to the claimant resigning.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Admin. Code r. 871-24.25(6), (21) 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:

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

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). In this case, the claimant's "final straw" to resigning was an altercation with a subordinate, Ms. Meteer. As Ms. Meteer's immediate supervisor, the claimant hired her, and arguably had the means to discipline and fire her, for insubordinate or policy violating behavior. However, the claimant elected not to do so. Given the limited options to transfer or not work with Ms. Meteer, the claimant believed the employer should address her ongoing issues by choosing between her employment and Ms. Meteer's. The employer elected not to choose and the claimant resigned. The evidence presented failed to establish the claimant was being subjected to an unlawful or intolerable environment that would support good cause to quit, but rather, the claimant wanted to discontinue working due to the ongoing conflict with Ms. Meteer. A resignation due to a conflict with others or management is disqualifying for purposes of unemployment benefits under Iowa law.

Given the stale dates of the other complaints related to the winter conditions, they are not individually addressed as the claimant acquiesced to them by not raising concerns with her supervisor or quitting earlier when they arose.

The decision to resign after nearly 18 years of employment could not have been easy. However, based on the evidence presented, the administrative law judge concludes that the claimant's decision to quit because she did not want to continue working with Ms. Meteer may have been based upon good personal reasons but was not for a good cause reason attributable to the employer. Benefits are denied.

DECISION:

The March 23, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/pjs