

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD CARLE
Claimant

APPEAL NO. 17R-UI-04785-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**COUNCIL BLUFFS COMMUNITY SCHOOL
DISTRICT**
Employer

OC: 02/12/17
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Todd Carle (claimant) appealed a representative's March 1, 2017, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Council Bluffs Community School District (employer). Administrative Law Judge Elder issued a decision on April 5, 2017, affirming the representative's decision. A decision of remand was issued by the Employment Appeal Board on May 4, 2017. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 24, 2017. The claimant participated personally. The employer was represented by David Williams, Hearings Representative, and participated by Toby Rees, Chief Human Resources Officer, and Bryan McEvoy, Custodial Supervisor.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 19, 2012, as a full-time night assistant custodian at College View Elementary School. He worked through February 2, 2017. The claimant had some safety concerns but did not mention them to his immediate supervisor.

On February 3, 2017, the claimant met with the chief human resources officer, the custodial supervisor, the principal, and a union representative to discuss his behavior. The claimant's shift ended at 11:00 p.m. but he consistently stopped working at 10:30 p.m. The employer told the claimant to work his entire shift and to clean the kitchen with the extra time available. The employer issued the claimant a letter of reprimand. The claimant became angry. He folded the letter and slid it back at the employer across the desk and quit. He thought his daytime supervisor had a personality conflict with him. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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(28) 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:

(28) The claimant left after being reprimanded.

Iowa Admin. Code r. 871-24.25(22) 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:

(22) The claimant left because of a personality conflict with the supervisor.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by his words and actions. He told the employer he was leaving and quit work. When an employee quits work after having been reprimanded or because he had a personality conflict with the supervisor, his leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's March 1, 2017 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn