

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHILLIP A GRILLET
Claimant

APPEAL NO: 14A-UI-12576-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 11/09/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 26, 2014 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit for reasons that do not qualify him to receive benefits. The claimant participated at the January 5, 2015 hearing. Brandon Curry, a co-manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The employer hired the claimant to work full time as the overnight support manager. During his employment, the claimant found it difficult to work for many different supervisors. Each supervisor had goals and ways of getting work done. The claimant understood the employer's progressive disciplinary policy allowed an employee three written coachings or warnings and then the employee could be terminated for the same problem.

On March 28, 2014, the claimant received a written warning from a new assistant manager who had only worked one night with the claimant. The claimant received the warning or coaching because this assistant manager concluded the claimant was not getting his work completed timely or had some work performance issues. The claimant did not assess his work performance the same way that the employer's managers did. The employer noticed the claimant had some excellent skills and suggested other jobs within the store to the claimant. These jobs were still supervisory position but paid 20 to 70 cents less an hour than the claimant made as an overnight support manager. The claimant declined each job the employer offered him because he did not want to earn less money.

On October 22, 2014, an assistant manager, M., told the claimant how to do a floor display. The claimant followed M's directions. After he completed the floor display, a co-manager, A.D., criticized the claimant for making the floor display as M. had told him. M. overheard A.D.'s

comments and told A.D. that the claimant had followed his, M.'s, directions. M. apologized for failing to know how A.D. wanted a floor display to look.

On or about October 28, A.D. gave the claimant his third written counseling for failing to perform jobs he directed claimant to do. The claimant disagreed with the warning and indicated he wanted to discuss this with C.H., the store manager. The claimant, C.H. and A.D. did not talk about the warning until the morning of November 7. During this meeting, A.D. acknowledged that everything he had asked the claimant to do had been done. The claimant did everything but one task. Another employee completed one job when the claimant had lunch. After A.D. acknowledged all tasks he wanted done were completed, C.H. indicated the October 28 counseling would be changed. The claimant did not know how the written counseling would be changed, but he was tired after working all night and asked to talk about this later that day when he returned to work that night. When the claimant went home the morning of November 7, the employer expected to finish the conversation later that day.

When the claimant returned to work his regular shift the evening of November 7, he told the employer he was quitting effective immediately. The claimant did not give the employer reasons for his discharge. The claimant quit because he believed the employer treated him unfairly, created a hostile work environment and tried to discharge the claimant by giving him unwarranted coachings or written warnings.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits employment without good cause when he leaves after receiving a reprimand or because of a personality conflict with a supervisor. 871 IAC 24.25(28), (22). The law also presumes a claimant quits with good cause for intolerable or detrimental working conditions. 871 IAC 24.26(4).

The claimant established personal reasons for quitting. Even though he believed A.D. tried to get him discharged, the evidence does not support this belief. At various times in 2014 the employer offered the claimant other jobs. Even though the offered jobs paid 20 to 70 cents less an hour, the evidence indicates the employer offered him jobs the employer thought the claimant would excel at.

It is unfortunate that A.D. failed to clearly communicate the way he wanted floor displays made to assistant managers. While A.D. criticized the claimant for following M's instructions, M. backed up the claimant and told A.D. that the claimant had followed M.'s instructions. The evidence suggests the claimant and A.D. had a personality conflict. Even if A.D. attempted to give the claimant a warning that was not warranted, C.H. told the claimant this warning would be changed. The claimant does not know how the employer would change the warning because he quit before he learned what changes would be made. C. H. had the authority to delete a written warning or coaching.

The evidence establishes that during his employment the claimant was frustrated. Since the claimant had several supervisors, they all had different expectations and he did not understand everything that his various supervisors expected from him. The claimant quit because he believed the employer wanted to discharge him. The facts do not support this conclusion. The claimant quit on November 7 for reasons that do not qualify him to receive benefits. As of November 9, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 26, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit this employment for personal reasons that do not qualify him to receive benefits. As of November 9, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs