

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN A KOMPARE**  
Claimant

**APPEAL NO: 11A-UI-10870-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CITY OF DAVENPORT**  
Employer

**OC: 07/17/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 8, 2011 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing with his attorney, Steve Stickle. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, 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 claimant started working for the employer in April 2007. The employer hired him to work full time as the records bureau manager for the police department. Initially, the claimant supervised seven employees and one operation. The claimant's job grew to supervising 20 employees and two operations. The claimant asked for assistance. He did not receive assistance until July 2010 when the employer allowed the claimant to hire a team lead.

In May 2010, the employer gave the claimant a one-day disciplinary suspension without pay. Management noted on the schedule the claimant was off one day for disciplinary reasons. The claimant asked his supervisor to remove information about his discipline from the work schedule. When this did not happen, the claimant contacted the human resource director who then advised the chief of police that disciplinary matters should be restricted to an employee's personnel file and was not to be posted on a work schedule.

When the claimant went on vacation in June 2011, his team lead made a formal complaint that he harassed her at work. The employer started investigating the complaint by interviewing the claimant and other employees. During the investigation, other employees made complaints that the claimant did not respect the employees he supervised. When the claimant first met with management about this complaint in July, he was surprised that Internal Affairs personnel were

also present. They told him the charges against him. The claimant learned the human resource department and internal affairs were conducting a parallel investigation.

After meeting two times with a human resource representative and internal affairs personnel, the claimant contacted his attorney. The claimant decided to resign because he concluded employees he supervised would continue filing complaints against him which effectively restricted his supervisory responsibilities. When the claimant resigned, the employer had not made a decision concerning the complaints co-workers had made about him.

**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 with good cause if he leaves because of intolerable working conditions. 871 IAC 24.26(4). However, the law also presumes a claimant voluntarily quits without good cause when he leaves after being reprimanded. 871 IAC 24.25(28).

Although the claimant asserted he quit because of intolerable working conditions, the evidence does not support this assertion. A year before he quit, the employer posted the fact he was on a disciplinary suspension. Even though the employer should not have done this, the claimant did not quit based on an incident that happened a year before.

The claimant quit for personal reasons. The claimant did not appreciate his team lead complaining that he harassed her when in his mind he was only trying to train or teach her how to do her job correctly. Since the claimant quit before the employer made a decision, the claimant did not know if her complaints would be substantiated. Ultimately, the claimant quit because of potential future complaints. While his effectiveness as a supervisor may have been questionable after the employer investigated complaints about him, the evidence does not establish that he quit for reasons that qualify him to receive benefits. As of July 17, 2011, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's August 8, 2011 determination (reference 01) is affirmed. The claimant quit his employment for personal reasons, but these reasons do not qualify him to receive benefits.

The claimant is disqualified from receiving unemployment insurance benefits as of July 17, 2011. 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.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css