

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RICHARD W PETERS
Claimant

WELLS ENTERPRISES INC
Employer

APPEAL NO. 14A-UI-07482-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/20/13
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 14, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 12, 2014. Claimant participated personally and with witness Terry Line. Employer participated by Connie Hickerson and with witnesses Courtney Willson and Roger Dixon.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 23, 2014. Claimant quit his employment on March 6, 2014. Claimant had taken FMLA for oral surgery in the middle of 2013. Subsequent to his return to work, claimant was put on a layoff for the slow time of the year. During this layoff claimant had applied for a different job within the company. An acquaintance of claimant who also works for employer went into the office of claimant's supervisor and saw claimant's name on a job opening. This sparked a small conversation regarding claimant wherein claimant's supervisor made unspecified statements about claimant being on FMLA for oral surgery. Claimant's acquaintance shared this information with claimant that his supervisor had reported the reason claimant was on FMLA leave. This incident occurred in late November 2013.

Claimant returned to work on December 15, 2013 and worked until January 23, 2014. On that date he was granted an approved Leave of Absence until March 2, 2014. The first day that claimant returned to work from this leave of absence is when he quit, citing his supervisor's alleged violation of claimant's privacy through his sharing of FMLA information.

Claimant did receive an employee handbook and knew that he could contact Human Resources about this situation, but did not believe that they would do anything. Claimant had gone to Human Resources in the past, with the HR officer recently working with claimant to get him paternity FMLA leave that immediately preceded his quitting of his employment. Claimant did not choose to go to another supervisor or go up the chain of command with his complaints.

REASONING AND CONCLUSIONS OF LAW:

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(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.

In this instance, the administrative law judge finds that claimant made no attempts to timely pursue a remedy to this situation prior to his quitting. Claimant did not contact Human Resources as per the employee handbook, nor did he attempt to contact anyone else in management about his concerns.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because claimant acquiesced in employer's actions by not acting in any manner for months after he'd been informed that a supervisor had been talking about his reasons for FMLA leave.

DECISION:

The decision of the representative dated July 14, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

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