

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LOIS E HAKEMAN**  
Claimant

**APPEAL NO. 13A-UI-07999-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 06/16/13**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Lois Hakeman filed a timely appeal from the July 2, 2013, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 6, 2013. Ms. Hakeman participated. Pamela Kiel of Corporate Cost Control represented the employer and presented testimony through Nick Skaar, Keith Vangent, and Laura Gesink.

**ISSUE:**

Whether Ms. Hakeman's voluntary quit was for good cause attributable to the employer. It was not.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Lois Hakeman was employed by Hy-Vee as a full-time deli manager until May 27, 2013, when she voluntarily quit due to perceived intolerable and detrimental working conditions. Ms. Hakeman had been the deli manager at the employer's Sheldon store for 20 years. Ms. Hakeman had started with the company in 1986. In January 2012, Hy-Vee moved into a new location in Sheldon. The Deli Department at the new store had a different layout than the Deli Department at the old store and was divided into two locations within the new store. Ms. Hakeman's immediate supervisor toward the end of her employment was Nick Skaar, Manager of Perishables. Mr. Skaar had become Ms. Hakeman's immediate supervisor in May 2012. Keith Vangent had been Store Director of the Sheldon store since 2001 and was first in command at the Sheldon store.

As deli manager, Ms. Hakeman supervised several employees. These included Laura Gesink, Assistant Deli Manager. Ms. Gesink had become assistant Deli Manager in August 2012.

Ms. Hakeman was resistant to changes the employer wished to make to her department to broaden the products the employer offered to customers. Ms. Hakeman viewed Ms. Gesink's involvement in the management of the Deli Department as a threat to her authority and employment. If Mr. Skaar needed to address a Deli Department issue while Ms. Hakeman was away from the store, he would take the matter up with Ms. Gesink. Ms. Gesink was generally

eager to offer her assistance. Ms. Hakeman erroneously perceived such discussions in her absence as Ms. Gesink scheming to steal the deli manager position. Ms. Hakeman would retaliate by either saying the proposal discussed in her absence or by giving Ms. Gesink the cold shoulder. Ms. Hakeman lacked interpersonal communication skills to effectively communicate with Ms. Gesink and other employees and was in the habit of either not communicating or communicating in a manner that her subordinates perceived as rude. Ms. Gesink and other Deli Department employees had complained to Mr. Skaar about this situation.

The final incident that led to Ms. Hakeman's resignation concerned Ms. Hakeman's failure to effectively communicate to Ms. Gesink on May 24, 2013 regarding the frozen food order Ms. Hakeman had placed that day before she left the workplace. After Ms. Hakeman had departed from the workplace, Ms. Gesink attempted to get clarification from Ms. Hakeman regarding what she had ordered. Both Ms. Gesink and Mr. Skaar had attempted to discern the content of the frozen food order without contacting Ms. Hakeman, but had been unsuccessful. Ms. Gesink and Mr. Skaar both sent Ms. Hakeman a text message asking whether she had placed the frozen food order. Ms. Hakeman responded that she had. Ms. Gesink followed with a question regarding what Ms. Hakeman had ordered. Ms. Hakeman did not respond to the inquiry. Ms. Gesink sent Ms. Hakeman a text message sarcastically thanking her for the communication. The next morning, Ms. Hakeman approached Ms. Gesink and said she had not seen Ms. Gesink's inquiry about the content of the frozen food order until the evening of May 24 and had not responded for that reason. Ms. Gesink had already complained to Mr. Skaar about the lack of communication. Mr. Skaar had agreed to hold a meeting with Ms. Gesink and Ms. Hakeman about the ongoing lack of communication. At the end of Ms. Hakeman's workday, Mr. Skaar notified Ms. Hakeman that she needed to appear for a meeting with Mr. Skaar and Ms. Gesink. During the meeting, Mr. Skaar told Ms. Hakeman that he and she would need to walk the Deli Department together on Monday, May 27, and discuss various issues in the department. Ms. Hakeman was reticent during the meeting, but Mr. Skaar perceived her as willing to cooperate with the proposed walkthrough. During the meeting, Ms. Gesink expressed some of her concerns about Ms. Hakeman's failure to teach her things she needed to know. Contrary to Ms. Hakeman's assertion at the appeal hearing, Ms. Gesink did not use profanity and did not otherwise display disgust with Mr. Skaar's patient approach to Ms. Hakeman. Ms. Hakeman perceived the meeting as yet another attack on her employment.

On Monday, May 27, Ms. Hakeman approached Mr. Skaar when she appeared for work and told him that he needed to fire her. Mr. Skaar was meeting with two other employees at the time and asked Ms. Hakeman to speak with him privately. Ms. Hakeman refused. Mr. Skaar told Ms. Hakeman that he was not going to fire her. When Mr. Skaar declined to end the employment, Ms. Hakeman said she was quitting. Mr. Skaar and Ms. Hakeman completed a document to memorialize the separation from the employment. Ms. Hakeman collected her personal effects and then left.

Mr. Skaar and Mr. Vangent had issued reprimands to Ms. Hakeman in April 2013. The first reprimand addressed Ms. Hakeman's resistance to change and her demeanor when interacting with subordinates. At that time of the reprimand, the employer warned Ms. Hakeman that she needed to decide whether she was able to accept change and proceed in a positive manner or face possible termination from the employment. The second reprimand was issued after Ms. Hakeman knowingly let Ms. Gesink spend half an hour looking for shredded lettuce when Ms. Hakeman knew she had thrown away the lettuce Ms. Gesink was seeking on the produce pallet.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

On the other hand, if an employee voluntarily quits due to inability to work with coworkers, a personality conflict with a supervisor, or due to dissatisfaction with the work environment, the employee is presumed to have voluntarily quit without good cause attributable to the employer. See 871 IAC 24.25(6), (21), and (22).

The weight of the evidence establishes that Ms. Hakeman largely created and perpetuated the problems she had in the employment through distorted thinking that pitted her against virtually everyone else in the workplace. The evidence fails to establish that Mr. Vangent, Mr. Skaar, or Ms. Gesink had an agenda to get rid of Ms. Hakeman. The evidence establishes instead that all three merely wanted Ms. Hakeman to communicate effectively and cooperate so as to make the work environment more pleasant for all and to serve the employer's interests in selling merchandise to customers. The evidence fails to establish intolerable or detrimental working conditions that would have prompted a reasonable person to leave the employment. Ms. Hakeman voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Hakeman is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits.

**DECISION:**

The agency representative's July 2, 2013, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/css