

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HERMIJA MUJAGIC**  
Claimant

**APPEAL NO: 14A-UI-04544-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HARVEST MANAGEMENT SUB TRS CORP**  
Employer

**OC: 03/30/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 21, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit for reasons that do not qualify her to receive benefits. The claimant participated at the May 20 hearing. Charles Howe, a manager, appeared on the employer's behalf. Janja Pavetic-Dickey interpreted the hearing. 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 her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in May 2011. She worked full time as a housekeeper and server. Howe became a manager in July 2012. Howe had no problems with the claimant and valued her as an employee. Just prior to the claimant's employment separation, the employer gave the claimant a raise. Howe had no understanding the claimant felt he treated her unfairly and without respect.

The claimant did not appreciate Howe reprimanding her or raising his voice at her and other employees when he wanted employees to stay at their assigned work areas. The claimant concluded Howe treated her rudely and did not respect her when he told her to leave the office when there was a meeting. The claimant tried to explain that she had to punch out, but he would not listen and told her to leave the office.

Sometime in February 2014, the claimant had a dental appointment for three weeks. She gave the employer advance notice about the appointment and reminded the employer the day before about her appointment. The day of the appointment the employer was short staffed. Through Brenda, the employer told the claimant she would to stay and work instead of go to her dental appointment. Based on what Brenda told her, the clamant understood that if she left for the dental appointment, she would not have a job. The claimant cancelled her dental appointment

and had to wait another two weeks to be seen by her dentist. The claimant concluded the nicer she was at work and the harder she worked; Howe became ruder toward her and harassed and showed her more disrespect.

The last day the claimant worked was March 7, 2014. On March 10, the claimant notified the employer her daughter was ill and she was unable to work. On March 13, the employer contacted the claimant to let her know she needed to get a doctor's statement before she could return to work. On March 17, the claimant notified the employer she was now ill and unable to work.

The employer's human resource personally contacted the claimant. Based on conversation with the human resource department, Howe understood the claimant would return to work on March 24 and she did not need to bring the employer a doctor's statement. The claimant did not contact the employer until March 31. On March 31, the claimant told the Howe she was quitting effective immediately. Howe understood she quit because she had another job, but the claimant did not have another job. She quit because she believed Howe treated her unfairly and she was tired of being treated disrespectfully.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2). The law presumes a claimant quits with good cause when quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant quits without good cause when she leaves because of a personality conflict with her supervisor. 871 IAC 24.25(22).

The claimant established compelling reasons for quitting. The claimant sincerely believed Howe treated her differently than other employees. She concluded that he did not treat her fairly and did not show her respect. While the claimant believed she was treated rudely and unfairly, the evidence indicates Howe did not realize the extent of the claimant's feelings. His decision to ask or demand that the claimant cancel her dental appointment because the employer was short staffed was uncaring, but the facts do not establish that this incident amounts to an intolerable or detrimental work environment. The employer may have even at times taken advantage of the claimant's strong work ethic, but Howe did not treat the claimant in such a way that he created an intolerable work environment. The evidence does not establish that communication was an issue between the claimant and Howe, but the facts indicate the claimant misinterpreted some of Howe's comments. The claimant did not establish she quit for reasons that qualify her to receive benefits. As of March 30, 2014, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's April 21, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. As of March 30, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she 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