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

PRISCILLA A BALES
Claimant

APPEAL NO: 12A-UI-13279-DWT

ADMINISTRATIVE LAW JUDGE DECISION

WELLS FARGO BANK NA
Employer

OC: 10/07/12
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 30, 2012 determination (reference 01) that disqualified her from receiving benefits as of October 21, 2012, because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Prior to the December 3 hearing, the employer's representative notified the Appeals Section that the employer was not going to participate at the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant qualified to receive benefits as of October 7.

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 on March 5, 2012. She worked full time as a home preservation specialist. The claimant's job was to help homeowners keep their homes. As other employees left employer, the employer's policy of transferring files meant the claimant ended up with 200 or more files. The claimant's caseload became so high she did not have time to work with homeowners that were about to lose their home. When the claimant talked to her supervisor about her high caseload and problems she had trying to help homeowners keep their homes, the claimant's supervisor did not offer her any solutions. Instead, the claimant's supervisor told the claimant she should consider a career change.

The claimant's supervisor yelled at the claimant and co-workers. The claimant did not appreciate being treated disrespectfully by her supervisor. The claimant went to the manager or her supervisor's boss. The manager agreed the employer's method of transferring files did make sense and resulted in the claimant having a very large caseload compared to other employees. The manager agreed to talk to the claimant's supervisor about her caseload. After the manager talked to the claimant's supervisor, the claimant noticed her supervisor would not talk to her.

The claimant finally asked the manager if she could transfer to another work group and work under a new supervisor. Her transfer was denied because the manager could not grant everyone's request to transfer out of her current work group. After her transfer request was denied, the claimant gave the employer her two-week notice on October 5. The employer accepted the claimant's resignation effective immediately.

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 she leaves because of intolerable working conditions. 871 IAC 24.26(4). The claimant's supervisor treatment of the claimant and her team members amounts to intolerable working conditions. The claimant tried to unsuccessfully resolve problems with her supervisor before she resigned, but the employer did not take reasonable steps to correct the situation. The claimant established she quit for with good cause attributable to the employer. As of October 7, 2012, the claimant is qualified to receive benefits.

DECISION:

The representative's October 30, 2012 determination (reference 01) is reversed. The claimant voluntarily quit her employment for good cause attributable to the employer. As of October 7, 2012, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise
Administrative Law Judge

_____
Decision Dated and Mailed

dlw/css