

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHERINE J CLARK
Claimant

APPEAL NO. 12A-UI-12217-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRAD DEERY MOTORS
Employer

OC: 09/16/12
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Catherine Clark, filed an appeal from a decision dated October 3, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on November 6, 2012. The claimant participated on her own behalf. The employer, Brad Deery Motors (Deery), participated by Sales Manager Matt Meyer.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Catherine Clark was employed by Deery from October 3, 2011 until September 18, 2012 as a full-time sales person. As part of her job duties she was to attend various sales workshops, usually every month.

On Saturday, September 15, 2012, Sales Manager Matt Meyer and Ms. Clark had a disagreement. The claimant was under the impression she was scheduled to go to the workshop the next Thursday and Friday, but the employer said she was to go for the entire week. Ms. Clark felt the employer had lied to her earlier when she insisted she was told she only had to go for two days. Mr. Meyer insisted he had never said that and when Ms. Clark balked at the idea he told her if she did not like it, she was free to leave.

Ms. Clark called in sick on Monday and on Tuesday left a voice mail for Mr. Meyer informing him she quit because management “creates a high stress work environment.”

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.

871 IAC 24.25(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

871 IAC 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.

The claimant's decision to quit was precipitated by a disagreement with her supervisor over whether the original schedule for her workshop was two days or five. Ms. Clark's contention that the employer never fired anyone, just made things so miserable for the employees they quit on their own is her opinion but not supported by any firm evidence. The disagreement does not rise to the level of a hostile and harmful work environment. The record establishes the claimant did not have good cause attributable to the employer for quitting and benefits are denied.

DECISION:

The representative's decision of October 3, 2012, reference 01, is affirmed. Catherine Clark is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs