

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICK C RHOADES**  
Claimant

**APPEAL NO: 13A-UI-05223-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RRK LLC**  
**AMERICA'S BEST VALUE INN**  
Employer

**OC: 04/07/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 23, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. A hearing was initially held on June 6, 2013. The claimant responded to the hearing notice but was not available for the hearing.

The claimant contacted the Appeals Section about a week later and requested that the hearing be reopened. The claimant's request was granted. See Order for 05223-DWT.

Another hearing was held on July 16, 2013. The claimant participated in the hearing. Kishan Gordhan appeared on the employer's behalf. During the hearing, Claimant Exhibits A through D and Employer Exhibits One and Two were offered and admitted as evidence. 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 his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in late September 2012. The claimant worked as the full-time general manager at the employer's motel. The motel needed renovations, but money was tight. The claimant and Gordhan, who was a not at the motel very often, had different views on how to economically renovate and improve the motel. Gordhan's parents lived next door and at times gave the claimant approval for some improvements or expenditures. The employer did not have a written policy or guidelines for the claimant to follow when needed to or wanted to spend money. The claimant did not always agree with Gordhan's decisions and became frustrated with some of his decisions. (Claimant Exhibit D.)

Some of the claimant's frustrations occurred because Gordhan would not discharge an employee who the claimant concluded was responsible for some vandalism at the motel. Also, when the claimant filled in for employees when they were ill, he wanted Gordhan to give him time off the next week. This did not happen.

Both the claimant and Gordhan wanted to renovate the motel. The renovation plan in part included making the downstairs motel rooms non-smoking rooms and moving smoking rooms upstairs. This plan required rooms to be painted. Gordhan gave the claimant permission for a housekeeping employee's husband to paint the fitness room at the motel. This person charged the employer \$70 a room and the employer had to pay for paint and supplies. Gordhan wanted a licensed painter to paint the motel rooms. Gordhan hired a licensed painter who charged the employer \$125 a room, but this price included paint and supplies.

To evaluate the quality of the employee's husband's work, Gordhan gave permission for him to paint the fitness room and a couple of other rooms. Gordhan's parents examined this person's work. The claimant understood they thought the employee's husband performed the painting job satisfactorily and liked the color of the rooms that were painted. The claimant wanted to get the downstairs' rooms painted when business was slow and had the employee's husband paint more rooms. The claimant did not obtain Gordhan's authorization to paint the additional rooms. The claimant assumed that since Gordhan's parents approved of the quality of the work and the color of the painted rooms, he could have more painted by the employee's husband.

In mid-March 2013, after Gordhan learned about all the rooms the employee's husband had painted but he had not personally authorized, he became upset with the claimant. During a heated conversation with the claimant, Gordhan made a comment about garnishing wages for paint, supplies and labor the employer had not authorized the claimant to do. Gordhan did not garnish the claimant's wages, but he was upset with the claimant for spending money Gordhan had not authorized him to spend.

The claimant's eagerness to get the renovation completed did not follow Gordhan's timeline for the renovation. (Claimant Exhibit B.) After the heated discussion, the claimant concluded he could not continue to work for the employer. The claimant initially gave the employer a two-week notice, but then only worked one week after he told the employer he was resigning. The claimant's last day of work was April 1, 2013.

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

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant voluntarily quit when he submitted his resignation. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits with good cause when he leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant quits without good cause when he leaves because of a personality conflict with a supervisor, 871 IAC 24.25(22), or after being reprimanded, 871 IAC 24.25(28).

As a result of ongoing communication issues and the claimant's eagerness to get the motel renovated as quickly as possible, the claimant and Gordhan did not always agree on what was best for the motel. The evidence establishes that after a heated conversation with Gordhan in

mid-March, the claimant resigned. The claimant established compelling reasons for resigning, but he did not establish that he quit as a result of intolerable or detrimental working conditions. The claimant did not establish that he quit for reasons that qualify him to receive benefits. As of April 7, 2013, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's April 23, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for justifiable personal reasons, but his reasons do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 7, 2013. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he 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/pjs