

February 24, 2003 until September 15, 2005. He was a full-time material handler working 3:00 p.m. until midnight, with overtime.

The claimant worked with several supervisors, Josh being one and Jaci Long being another. The claimant and Ms. Long did not work successfully together and friction developed between the two of them. Ms. Long apparently felt the claimant was balking at working under her direction and he felt she was being too demanding. Mr. Tharp had approached Josh and District Manager Harry Markley to ask about either transferring himself or Ms. Long because he did not want to work with her. He was told it was not possible.

On the shift which began on September 14, 2005, the crew was told it would have to work overtime until 2:00 a.m. Shortly before 2:00 a.m. Ms. Long told the claimant to get some totes down out of the bay. He said he did not know if he could get it done by 2:00 a.m. and she asked if he was a fork lift driver. When he said yes she asked if he wanted to continue working as a fork lift driver at Ozark. Mr. Tharp again said yes and Ms. Long told him he had better follow through with the order she had given him. He did not do the job as instructed because by the time he had finished delivering his current load, it was 2:00 a.m. and he left even though more work needed to be done.

The next day the claimant informed the supervisor, Josh, he was quitting because he could not work with Ms. Long.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

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(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 quit because he did not want to continue working with Ms. Long. The two of them "yelled" at each other but the administrative law judge does not consider this to rise to the level of intolerable or detrimental working conditions. It is merely a personality conflict with a

supervisor and under the provisions of the above Administrative Code section, this does not constitute good cause attributable to the employer for quitting. The claimant is disqualified.

DECISION:

The representative's decision of October 3, 2005, reference 01, is affirmed. Lonnie Tharp is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount provided he is otherwise eligible.

bgh/tjc