

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERICO J DEVILBISS
Claimant

APPEAL NO. 10A-UI-17788-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WIESE INDUSTRIES INC
Employer

OC: 06/13/10
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 17, 2010, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 9, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Donna James participated in the hearing on behalf of the employer with a witness, Jim Stahl.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked as a laborer for the employer from October 25, 2010, to November 9, 2010. On November 9, 2010, the claimant took a break from 9:00 to 9:15 a.m., which he understood was the proper break time.

After he returned from break, he was approached by his supervisor and told to take his break. He told his supervisor that he had just taken a break, and the supervisor got angry and told him in a raised voice that breaks were supposed to be staggered and he could not just leave his coworkers hanging on the line. Both the claimant and his supervisor got upset and exchanged heated words. The claimant was crying and did not seem to be able to calm down, so the supervisor told him that he might as well go home. He never told the claimant that he was discharged and did not intend to discharge him.

The claimant left work and never had any further contact with the employer, because he misunderstood the supervisor and thought he was fired.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and the reliability of the evidence and by applying the proper standard and burden of proof. I conclude the supervisor told the claimant to go home and did not intend to discharge him. The claimant misunderstood what was said, probably because he was upset. I conclude the claimant voluntarily quit employment due to the confrontation with his supervisor.

The unemployment insurance rules provide that a claimant who leaves employment because of a personality conflict with the supervisor is presumed to have left without good cause attributable to the employer. 871 IAC 24.25(22).

I conclude that the claimant had not shown intolerable working conditions or other good cause attributable to the employer for leaving. At most, he has shown that he left work after a confrontation with his supervisor about the break policy, which I conclude does not meet the legal standard of good cause to quit.

DECISION:

The unemployment insurance decision dated December 17, 2010, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw