

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHANNON M ELIASON
Claimant

NATIONAL RENEWAL EXCHANGE INC
Employer

APPEAL 17A-UI-10827-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/01/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 20, 2017, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on November 9, 2017. Claimant participated. Employer participated through human resource manager Emily Newton and sales director/supervisor Amber Gross.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time renewal sales representative through October 3, 2017. She quit without notice or reason. Continued work would have been available had she not quit. She is eligible for rehire. On October 3, Gross confronted claimant on the sales floor asking why she was withdrawn and not being herself after an IT issue arose that kept claimant from doing her job. She said she felt like claimant was complaining and Gross was “walking on eggshells” around her. Gross left for lunch without addressing the IT issue. Gross brought the issue up again later so claimant left. Sales representative Missy Brant commented that no one should have to hear that. Claimant quit her job and left an hour later.

In meetings on September 18, 21, and 26, claimant expressed her concerns about data entry, account and IT issues. She felt like issues were not resolved after multiple attempts and did not think she could trust Gross. Due to some changes made within the company, commissions were dropping and some accounts were lost so there were not as many new leads. The employer agreed to adjust everyone’s pay plan for commission effective August 1, 2017, so employees could maintain their income level.

Claimant complained about problems with data entry that resulted in an account being turned over and sold under a different account number for a \$600.00 contract with a 2.5 percent commission. Dan from the corporate office explained how the situation was handled and

claimant said that “made sense.” Claimant believed a similar thing happened again on October 3 but did not tell anyone about it before quitting.

On August 31, 2017, Gross brought claimant to her desk at the front of the call floor with others working in the area. Gross told claimant she was taking her commission because claimant had been two hours late. Claimant started crying and Gross hugged her. A private office and conference room were available but were not used. Newton was not in the office that day. claimant did not complain about the location of Gross’ communication.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant’s separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

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.

(22) The claimant left because of a personality conflict with the supervisor.

While the employer has the burden to establish the separation was a voluntary quitting of employment rather than a discharge, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). “Good cause” for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm’n*, 277 So.2d 827 (Ia. Dist. Ct. App. 1973).

While Gross’ communication with claimant during the described incidents was awkward and less than appropriate, it did not rise to the level of creating hostile or intolerable working conditions. The claimant’s decision to quit because she did not agree with the supervisor about how she managed various issues was not for a good-cause reason attributable to the employer, especially after claimant indicated her concerns had been resolved.

DECISION:

The October 20, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs