

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARRIE L KRAKLIO**  
Claimant

**APPEAL NO: 09A-UI-19525-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FARMER'S DAUGHTER'S MARKET**  
Employer

**OC: 11/15/09**  
**Claimant: Respondent (2/R)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed a representative's December 22, 2009 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. A telephone hearing was held on March 1, 2010. The claimant participated in the hearing. Robert Legislador, attorney at law, represented the employer. Jennifer Goodlove and Susan Geels appeared on the employer's behalf. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on March 18, 2009. She worked as a full-time kitchen manager. Goodlove, the owner, supervised the claimant.

During her employment, the claimant and Goodlove talked about many personal issues. Toward the end of the claimant's employment, Goodlove was under increasing stress. The business was celebrating its one-year anniversary and her financial situation was not as good as Goodlove wanted. When the claimant and Goodlove talked on a personal level, Goodlove made comments that she may not be able to financially afford the claimant's salary and that certain stresses were getting to Goodlove. The two had most recently talked about the financial situation of the business and the stresses in Goodlove's life on November 1.

Before an accountant became involved, Goodlove talked to the claimant about expanding the business services to catering. Goodlove wanted the claimant to draft a letter and send to businesses in an attempt to start a catering service. When the claimant did not have the letter drafted by early November, Goodlove was not happy. So the claimant had time to draft the letter, Goodlove told the claimant she did not have to work on Sunday, November 8. About this

same time the claimant learned that Goodlove wanted her to contact businesses and tell them about the employer's expansion into the catering field.

On November 10, the two met as they usually did at the start of the day to discuss business. The claimant gave Goodlove a draft of the letter she had worked on. Although the claimant made the schedule, she asked Goodlove during the meeting if Goodlove expected the claimant to report to work on Thursday at 7:30 a.m. or if she should come in later since the employer was hosting a new event that night that did not end until 9:00 p.m. The claimant understood Goodlove wanted her to work until the end of this event. The claimant also asked Goodlove when she expected the claimant to contact businesses about the employer's catering services because she was already busy in the kitchen all day. The claimant then made comments about Goodlove not paying attention to some details. Goodlove became upset with the claimant when she took some of the claimant's comments personally and concluded the claimant was putting herself before Goodlove's business. After Goodlove became upset, she told the claimant she should go home for the rest of the day because she had lost respect for the claimant. The claimant did not expect this and understood Goodlove had just discharged her.

The next day the claimant was not scheduled to work. Still understanding that she had been discharged because Goodlove did not call her, the claimant wrote a letter to Goodlove's parents. In the letter, the claimant portrayed Goodlove in a negative way and related personal information Goodlove told the claimant. (Claimant Exhibit A.)

On Thursday, November 12, the claimant called Goodlove to let her know she had some of her credit cards and would return them. When Goodlove asked the claimant why she was not at work, the claimant explained that she thought she had been discharged. Goodlove told her she had not been discharged. The claimant assumed Goodlove was still upset with her and told her she was going to take a couple of vacation days and would be back at work on Monday. Later Goodlove called and told the claimant she did not have any vacation days to take, she had not been discharged, she was not to make anymore false accusations and the employer expected her to be at work on Monday at 7:30 a.m. Also, if the claimant wanted to talk to Goodlove, she should contact her late Sunday afternoon or early evening.

Early Sunday evening, November 15, the claimant spoke to Goodlove. When the claimant asked if she still had job, Goodlove told she did not know because she had lost confidence in the claimant. By Sunday Goodlove had learned about the letter the claimant gave Goodlove's parents. Goodlove told the claimant she needed to think about whether she wanted the claimant to return to work. If the claimant returned she would initially be on a 30-day probation. The claimant asked that Goodlove call her by 7:00 a.m. the next day to let the claimant know what she had decided.

On Monday, Goodlove was involved with a vendor and was unable to call the claimant at 7:00 a.m. Goodlove had decided the claimant could continue working and called the claimant at 7:25 a.m. Goodlove left a message that she wanted the claimant to continue working and to get to work as soon as she could, but she would be on a 30-day probation. The claimant returned Goodlove's call and told her she quit because Goodlove had not called her at 7:00 a.m. The claimant decided she would not return to work because Goodlove had too many personal issues that the claimant did not want to be involved with any longer, she did not know how long Goodlove could afford to pay the claimant and she did not consider Goodlove a competent manager which she demonstrated with indecisiveness about whether the claimant would continue to work or not.

The claimant established a claim for benefits during the week of November 15, 2009. The claimant has filed for and received benefits since November 15, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. The claimant initially misunderstood that the employer discharged her on November 10, 2009. By November 12, the claimant had this misunderstanding resolved and she knew the employer had not discharged her on November 10. Ultimately, the claimant quit her employment on November 16, 2009. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code 96.6-2.

The law presumes a claimant quits with good cause if she leaves employment because of unsafe or intolerable working conditions. 871 IAC 24.26 (2) & (4). The law also presumes a claimant quits without good cause when she leaves because of a personality conflict with a supervisor or leaves after receiving a reprimand. 871 IAC 24.25 (22) & (28).

On November 10, the claimant and Goodlove had a verbal misunderstanding. On November 10 Goodlove told the claimant to go home because she had lost respect for the claimant. Before November 10, there was no indication of problems between the claimant and the employer.

Since the claimant initially understood she had been discharged, she gave Goodlove's parents a letter describing some issues regarding Goodlove's personal life. The claimant did not report any problems before she thought she had been discharged. Her assertion that she gave Goodlove's parents the letter in Goodlove's best interests is questionable. Even after Goodlove told the claimant she expected her to be at work on Thursday and Friday, the claimant did not go to work. Since the claimant did not indicate she was resigning on Thursday or Saturday and made a point of calling the employer on Sunday to see if she still had a job, her assertion she quit because she was concerned for her safety is not supported by her actions.

Ultimately, the claimant quit because she did not like Goodlove's management style which she considered indecisive. She was upset because Goodlove did not call her at 7:00 a.m. on Monday. While the claimant would not admit she was upset because Goodlove put her on a 30-day probation, it would be a natural reaction to be upset after she had worked very closely with Goodlove since March 2009. The claimant quit for compelling personal reasons. She did not, however, establish that she quit for reasons that qualify her to receive benefits. Therefore, as of November 15, 2009, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's December 22, 2009 decision (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 15, 2009. This disqualification continues until she has been paid ten times her weekly benefit

amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the clamant is eligible for a waiver of any overpayment is remanded to the Claims Section to determine.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/pjs