

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD M BUCK
Claimant

APPEAL NO. 13A-UI-05399-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 04/14/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated May 1, 2013, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on June 11, 2013. The claimant participated. The employer participated by Ms. Julie Guarins, Store Manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Chad Buck was employed by Casey's Marketing Company from October 26, 2012 until April 7, 2013 when he voluntarily left employment. Mr. Buck was employed as a full-time assistant manager and was being paid by the hour. His immediate supervisor was Julie Guarins.

Mr. Buck resigned his position with Casey's Marketing Company after completing his work shift on Sunday, April 7, 2013. On that date, Mr. Buck received a verbal reprimand from the store manager about the manner that he had treated a new employee that had recently been hired by the company. Another worker and the new employee had both alleged that Mr. Buck had been rude and non-responsive when an attempt was made to introduce the new employee. The new worker did not feel welcome because of Mr. Buck's conduct and complained to Ms. Guarins about it. During the meeting Ms. Guarins also mentioned garbage that had not been cleaned up and referenced to the way that the manager believed that Mr. Buck had treated the new employee. Ms. Guarins stated to the claimant, "This is bullshit."

Ms. Guarins had met with Mr. Buck on a number of occasions previously in an attempt to counsel him about job expectations. The store manager had refrained from issuing Mr. Buck written warnings about his performance, because she wanted to keep Mr. Buck as an employee and did not want his conduct to result in termination from employment.

Employees who are dissatisfied with the manner in which their immediate supervisor has treated them, have the option of going up the company's chain of command or to the company's human resource department to file complaints or seek assistance. Mr. Buck did not do so before leaving his employment.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

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) and (28) provide:

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.

(28) The claimant left after being reprimanded.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Claimants are not required to give notice of intention to quit due to intolerable or detrimental working environments if the employer had or should have had reasonable knowledge of the condition. Hy-Vee v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2005). Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 33 (Iowa 1988) and O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993).

The evidence does not establish that the working conditions were intolerable. It does establish that Mr. Buck was dissatisfied because he had received a reprimand from his store manager that he felt was unjustified. The store manager had brought to the attention of Mr. Buck

complaints from other employees about the claimant being rude to a new employee and the store manager had also brought to the claimant's attention other employer expectations. The evidence in the record does not establish that the store manager's conduct was unreasonable or that the claimant was subjected to excessive and inappropriate language or treatment during the meeting. The claimant had the option of going up the company's chain of command to complain about the store manager's treatment if he felt that it was inappropriate, but did not do so.

While Mr. Buck's reasons for leaving were undoubtedly good cause reasons from his personal viewpoint, the evidence in the record does not establish good cause reasons attributable to the employer. Unemployment insurance benefits are therefore withheld.

DECISION:

The representative's decision dated May 1, 2013, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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