

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BAILEY A RANGEL
Claimant

APPEAL NO. 07A-UI-04268-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REGIS CORP
Employer

**OC: 03/25/07 R: 02
Claimant: Respondent (2)**

Section 96.5(1) – Quit
Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer, Regis Corp., filed an appeal from a decision dated April 16, 2007, reference 01. The decision allowed benefits to the claimant, Bailey Rangel. After due notice was issued a hearing was held by telephone conference call on May 14, 2007. The claimant participated on her own behalf. The employer participated by Manager Sue Sang Meng and was represented by Barnett Associates in the person of Marlene Sartin.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Bailey Rangel was employed by Regis Corporation from October 2, 2006, until March 20, 2007, as a part-time stylist. On March 5, 2007, Manager Sue Sang Meng had instructed the claimant to go to the bank the next day before going to the salon, in order to get change. En route the next day Ms. Rangel called the manager and questioned whether it was necessary for her to go to the bank and Ms. Meng threatened to write her up for questioning the orders and did use some inappropriate language.

Ms. Meng did give the claimant a verbal reprimand for questioning the instructions, but also apologized to Ms. Rangel and nothing like it happened again. But on March 18, 2007, the claimant submitted a written resignation to the manager stating her last day would be March 26, 2007, but she was taken off the schedule after her last day of work on March 20, 2007.

Bailey Rangel has received unemployment benefits since filing a claim with an effective date of March 25, 2007.

REASONING AND CONCLUSIONS OF LAW:

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 maintains she quit because she was "stressed out" about going to work. This appears to be the result of a personality conflict with her supervisor. Although the manager admitted to using inappropriate language to Ms. Rangel when her instructions were questioned, Ms. Meng did apologize and nothing like it happened again prior to the claimant resigning. The claimant's testimony was that this was the sole incident which precipitated the decision to resign but one incident, properly amended, does not constitute a detrimental work environment. The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which she is not entitled. These must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's decision of April 16, 2007, reference 01, is reversed. Bailey Rangel is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. She is overpaid in the amount of \$246.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs