

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SONYA VAUGHN
Claimant

APPEAL NO: 17A-UI-06081-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOODWILL INDUSTRIES OF CENTRAL IA
Employer

OC: 05/21/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 12, 2017, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 28, 2017. The claimant participated in the hearing. Kathy Crooks, Director of Human Resources; De Anne Hamilton, Retail Coordinator; and Larry East, Store Manager; participated in the hearing on behalf of the employer. Employer's Exhibits One through Three were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time assistant manager for Goodwill Industries of Central Iowa from August 22, 2005 to May 8, 2017. She voluntarily left her employment after receiving a written warning May 8, 2017.

On April 24, 2017, the claimant was assigned to work the back door in the warehouse to sort donations to the employer. There were two other employees performing the same task and the claimant became frustrated and lost her temper with them because she did not believe they were performing the work quickly enough. The claimant yelled at the employees, "It is not that hard to sort," and Assistant Manager Ashley Williams asked the claimant to calm down. Store Manager Larry East then went back to the donation area and took the claimant outside the back door in an effort to calm her down. After he believed the claimant was calmer he directed her to return to the donation area and complete her work. Mr. East then went to lunch and when he returned Ms. Williams told him the claimant had one production worker in tears and suggested that Mr. East, the claimant and herself go to Mr. East's office to discuss the situation. The claimant testified that while in the office Ms. Williams stated the claimant was acting unprofessionally and she became further frustrated, angry and upset because Mr. East did not defend her behavior. She was also upset because Mr. East had talked to her earlier outside

about her behavior towards the subordinate employees in the donation area. Mr. East tried to talk to the claimant but she raised her voice and yelled over him. After a period of that behavior the claimant stated maybe she needed to go home. Mr. East asked if she was going to leave the employer short-handed and the claimant said yes. He then asked if she was going to stay or go home but did not tell the claimant to leave; instead he left the decision to her and she left for the day around 5:00 p.m. instead of working until her shift was scheduled to end at approximately 9:30 p.m. After she left Ms. Williams told Mr. East that if the claimant called the store the following day to notify the employer whether she was going to work that day she would be directed to contact Mr. East at home because it was his day off. Mr. East spoke to Retail Coordinator De Anne Hamilton later that day about the situation with the claimant.

On April 25, 2017, Mr. East received a call at home from the claimant. He noted she was still very short with him on the phone. He asked her if she was going to work and the claimant stated she did not know and she thought Mr. East sent her home the day before. Mr. East said he did not send the claimant home April 24, 2017, and the claimant started yelling at Mr. East until he told her she could not continue to yell at him and if she could not speak calmly she needed to contact Ms. Hamilton. The claimant then called Ms. Hamilton and began yelling at her about Mr. East calling her into his office the day before and that he sent her home. Ms. Hamilton talked to the claimant about her attitude with the staff and stated she agreed with Mr. East's decision to call her into his office as that was proper protocol. The discussion was quite heated and the claimant repeatedly said Mr. East should not have sent her home. Finally Ms. Hamilton asked the claimant if she was going to report for her shift that day and the claimant said she did not know if she could. Ms. Hamilton asked why she did not know and the claimant stated Mr. East yelled at her and would not tell her if she could return to work. The claimant again became very agitated and after Ms. Hamilton let her "ramble" for several minutes she told the claimant she needed to calm down and listen. She instructed the claimant she needed to report to work with her attitude in check and informed the claimant she was going to complete a disciplinary check list which is the first step in the process of issuing a written warning for her attitude toward staff, Mr. East and Ms. Hamilton. The claimant, who was now enraged, stated she would not accept a written warning, and again stated Mr. East told her to go home. Ms. Hamilton explained that was not the reason for the warning but she was receiving the written warning for the way she treated the staff April 24, 2017, and for talking over others, including her managers, and failing to listen. She then told the claimant to report for work with her attitude in check and the claimant did so.

On May 8, 2017, after Ms. Hamilton conducted her investigation into the claimant's actions on April 24, 2017, and passed the file to human resources, she and Mr. East met with the claimant to issue her a written warning (Employer's Exhibit Two). There was a delay in the claimant receiving the written warning due to the time off of the parties involved. The disciplinary meeting started calmly but then the claimant became very upset, loud and "out of control." The employer's written warning provides a space for an employee statement but the claimant did not enter any information in the box and refused to sign the warning (Employer's Exhibit Two). The employer had no plans to terminate the claimant's employment and tried to explain to the claimant this was simply a written warning but the claimant decided to voluntarily quit effective immediately because she "disagreed with the written warning" (Employer's Exhibit Three). She returned her keys, filled out the resignation form and left (Employer's Exhibit Three).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 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(28) 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:

(28) The claimant left after being reprimanded.

The claimant's behavior April 24, 2017, was inappropriate and unprofessional and the employer was well within its discretion to issue the claimant a written warning for that conduct. While the claimant disagreed with the warning and feels she was treated unfairly, she did acknowledge, yelling at her subordinates and Mr. East and talking over Mr. East and Ms. Hamilton, behavior she also exhibited during the hearing on several occasions. The claimant did not write a statement on the written warning in the space provided and refused to sign the warning.

Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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. The claimant voluntarily left her employment upon receipt of a written warning she did not agree with which is not considered good cause reason attributable to the employer for her leaving. Under these circumstances the administrative law judge must conclude the claimant has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The June 12, 2017, reference 01, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn