

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD PRICHARD
Claimant

APPEAL NO: 09A-UI-02550-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

MENARD INC
Employer

OC: 01-18-09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 12, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 12, 2009. The claimant participated in the hearing. Nate Molstad, Plant Manager and Tiffany Neeley, Store Counsel, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left his 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 quality control worker for Menard Inc. from May 28, 2008 to May 30, 2008. The claimant previously worked for the employer as the leader of the custom shop but quit to become self-employed. When that did not work out the employer rehired him as a quality control worker three months later. He was placed in quality control because his previous position had been filled when he quit. When the claimant arrived for work May 28, 2008, and found out that Jeremy Dumke would be his supervisor and he would be working with a young woman, he did not call or return to work May 29 or May 30, 2008, and pointed out according to the employer's attendance policy (Employer's Exhibit One). The claimant did not return to work because he believed he could not get along with Mr. Dumke from dealings with him in the past and also did not want to work with an "unknowledgeable girl." While he maintains he believed he was hired to work in the maintenance or custom shop, the assistant plant manager who rehired him was directed by the plant manager to hire him to work in quality control.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment 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.

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. 871 IAC 24.25. 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. While the claimant was not hired at his previous job because it had already been filled, he quit because he anticipated a conflict with his new supervisor and did not want to work with an "unknowledgeable girl." Although he maintains he thought he was being rehired as a maintenance worker or to return to the custom shop, the plant manager credibly testified that he directed the assistant plant manager to offer the claimant a job in quality control and it is unlikely the assistant plant manager would disobey his supervisor's order regarding the claimant's rehire. The claimant assumed he could not work with Mr. Dumke or the "unknowledgeable girl" but only worked one day and did not give the situation a fair chance to see if it would work out or not. He did not tell the employer he would quit if he was not given a different position and frankly was not in much of a position to make demands after the employer rehired him despite the fact he quit three months earlier. A personality conflict with a supervisor is not good cause attributable to the employer for leaving and under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The February 12, 2009, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs