

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARLENE A PALMER
Claimant

APPEAL NO: 12A-UI-10270-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MID-WEST CONST & SUPPLY INC
Employer

OC: 07/29/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(22) – Personality Conflict with Supervisor

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 17, 2012, reference 01, that held she voluntarily quit employment without good cause on July 24, 2012, and which denied benefits. A telephone hearing was held on September 17, 2012. The claimant participated. Bobby Baker, marketing manager, and Kaliopi “Popi” Eaton, owner, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began employment on October 2, 2006, and last worked for the employer as a part-time appointment setter on July 24, 2012. Although claimant was hired to work Monday through Thursday, she was advised to work Saturdays, that she did during the last two years of employment.

Claimant was unhappy with the manner her supervisor reacted to a work situation on her last day of employment. The supervisor slammed down some paperwork and gave claimant an unkind look. Although claimant had some ongoing issues with her, she had not reported them to management and/or stated she was thinking about quitting.

The claimant told Manager Baker after her last day she was quitting because of her issues with her supervisor. Claimant told the owner she was quitting the next day for the same reason she communicated to Baker. The employer considered claimant a good employee and wanted her to remain in employment.

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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on July 24, 2011 due to a personality conflict with a supervisor.

Although claimant had an understandable personality conflict with a supervisor, it does not constitute a good cause attributable to the employer for quitting.

DECISION:

The department decision dated August 17, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on July 24, 2012. Benefits are denied until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw