

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

CONNIE L HESTNESS  
6845 NW 6<sup>TH</sup> DR  
DES MOINES IA 50313

DEAN SNYDER CONSTRUCTION CO  
PO BOX 181  
CLEAR LAKE IA 50428

Appeal Number: 04A-UI-06516-HT  
OC: 05/16/04 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 – Quit

STATEMENT OF THE CASE:

The claimant, Connie Hestness, filed an appeal from a decision dated June 7, 2004, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 12, 2004. The claimant participated on her own behalf. The employer, Dean Snyder Construction (Snyder), participated by Business Development Director Dan Kitzinger and Human Resources Manager Lisa Powell.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Connie Hestness was employed by Snyder from April 14, 2003 until May 17, 2004. She was a full-time receptionist.

The claimant submitted a written resignation to Business Development Director Dan Kitzinger and Human Resources Manager Lisa Powell. She left her keys and the resignation on her desk on Sunday, May 16, 2004. She was unhappy because she felt Mr. Kitzinger did not like her and was "moody." He had expressed concerns about her phone and computer skills back in January 2004, and made arrangements for her to take a computer course.

There were tensions in the office exacerbated by very small, close quarters and an increase in business activity. Mr. Kitzinger's work load had increased and he was not often in the office and was very busy when he was. On Friday, May 14, 2004, the claimant talked with Tim Williams, the engineer, about whether he had made input into her evaluation. She told him she thought Mr. Kitzinger "hated her" and Mr. Williams assured her he did not. Later she saw a preliminary version of her evaluation on Mr. Kitzinger's desk and his input upset her. It was not the final version, as Ms. Powell had yet to add her comments and assessments.

Over the weekend the claimant became more upset and her spouse suggested that she was not happy and ought to quit. She typed up her resignation and left it on her desk.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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), (33) provides:

(22) The claimant left because of a personality conflict with the supervisor.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

The claimant did have some personality conflict with her supervisor and felt he "hated" her, although there is nothing in the record to substantiate this. Ms. Hestness felt her work was unsatisfactory and admittedly, the employer felt there was room for improvement. However, continuing work was available to her had she not quit, as the employer did not intend to discharge her, only encourage her to improve her skills. The record establishes the claimant quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of June 7, 2004, reference 01, is affirmed. Connie Hestness is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/b