

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STACY L PRESTON
Claimant

CASEY'S MARKETING COMPANY
Employer

APPEAL NO. 16A-UI-11440-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/18/16
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 11, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 4, 2016. Claimant participated. Employer participated by Felisha Gates. Employer's exhibits 1-6 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on August 23, 2016. Claimant quit her job on that date after claimant stated that employer had thrown down papers on claimant's desk and asked, "What's on your agenda for today?" Claimant further said that her supervisor often had a rude and aggressive tone when the supervisor visited claimant's store and addressed claimant.

Claimant's supervisor stated that she had not thrown down the papers on the date in question. The supervisor further stated that she didn't treat claimant rudely or aggressively, but that it was her job to alert claimant to changes that needed to be made in claimant's store. As store manager, claimant was responsible for the actions of her employees, the supervisor would tell the other employees to do particular actions and this would upset claimant. On the date of the quit, claimant could not continue to put up with what she believed was rude treatment by her supervisor.

REASONING AND CONCLUSIONS OF LAW:

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(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 holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was upset with the treatment of her supervisor. Claimant did not highlight specific actions by her supervisor that would rise to the level of that would cause a reasonable person to quit her employment with reasonable cause attributable to her employer.

DECISION:

The decision of the representative dated October 11, 2016, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs