

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD J FELLNER
Claimant

APPEAL NO: 13A-UI-12890-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AUTOZONERS LLC
Employer

**OC: 10/27/13
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

PROCCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 15, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the December 10 hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant worked about two years for the employer as the full-time commercial sales manager. The claimant did not have any problems until a new store manager, R., started working. R. worked about six to eight months before the claimant's employment ended.

Prior to mid-October 2013, the claimant knew R. was not happy with the commercial sales numbers. The claimant had to leave the store to make commercial sales and it seemed like anytime he left the store R. would call him back to come back because the store was short-staffed and the claimant was needed at the store. Instead of making sales calls, the claimant went back to the store. When R. showed the claimant sales numbers and asked him what he was doing and where had he been, the claimant told R. that he did not appreciate the way R. talked to him. When the claimant tried to talk to R. about issues, R. responded by saying WFW and then walked away.

In mid-October 2013 after R. met with the district manager, he was upset and told the claimant that the claimant was the reason for R.'s career problems. R. then walked away. The claimant understood that R. concluded the claimant was stupid and it was the claimant's fault that R. was not yet a district manager. The claimant contacted the district manager on a Saturday and reported what R. told him and that he did not feel comfortable working with R. The district

manager told the claimant to go back to work and if R. said anything or looked at him in any way that made the claimant feel uncomfortable, the claimant should call the district manager immediately.

About an hour later, the claimant started receiving text messages from an employee, who was one of R.'s personal friends. After the claimant told this employee that he was gone, the employee sent the claimant a text message that indicated the claimant was worthless, did nothing, that R. is right, in that you (the claimant) turned into a piece of shit and was a lazy bum. The claimant contacted the district manager and forwarded these text messages that the claimant considered threatening.

After the employee sent the claimant the text messages, the claimant concluded R. told everyone about the claimant's complaints. The claimant did not believe he could go back to work in that environment. The claimant's last day of work was October 24, 2013.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5(1). The claimant initiated his employment separation and quit. When a claimant quits, he has the burden to establish he leaves employment for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when he leaves because of a conflict with a supervisor. 871 IAC 24.25(22). The law also presumes a claimant quits with good cause when he leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4).

The facts establish the store manager questioned the claimant because commercial sales numbers were not satisfactory. The claimant asserted the numbers were not good because when he tried to make sales calls, R. called him back to work at the store. Based on the testimony presented at the hearing, R.'s response to the claimant's issues were less than professional. The evidence reveals the two men had a personality conflict and did not effectively communicate with one another. The claimant's perception that R. harassed him is not supported by the evidence. While R. questioned the claimant's sales numbers and told the claimant that he was responsible for R. not yet being made a district manager, these comments do not establish harassment.

Even though R. may have talked to a personal friend, who also worked for the employer, this employee's text messages bluntly express his feelings about the claimant. The text messages were not flattering, but the text messages did not threaten the claimant. Even though the district manager told the claimant to go back to work and the issue between the claimant and R. would be handled, the claimant decided he would not go back to work. The claimant's decision to quit was probably the best decision for him. Even though the claimant established personal reasons for quitting, he did not quit for reasons that qualify him to receive benefits. As of October 27, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 15, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons, but his reasons do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 27, 2013. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs