

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTOPHER DUNLAY
Claimant

CARGILL INCORPORATED
Employer

APPEAL 19A-UI-04828-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/26/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On June 15, 2019, Christopher Dunlay (claimant) filed an appeal from the June 14, 2019, reference 01, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with Cargill Incorporated (employer) due to a dissatisfaction with the work conditions which does not constitute good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on July 10, 2019. The claimant participated personally and Glenn Schilling, a former lab technician, participated on his behalf. The employer participated through Employee Relations Senior Specialist Holly Platts. The claimant and employer both attempted to submit documents; however, they were not provided to or received by the other party. Both parties agreed to continue with the hearing without the proposed exhibits.

ISSUE:

Did the claimant voluntarily quit the 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 hired by the employer on November 2, 2015. He was most recently employed full-time as a Food Safety Quality and Regulatory (FSQR) Supervisor at the Iowa Falls facility beginning on September 7, 2018, and was separated from employment on May 31, 2019, when he quit.

The claimant reported to FSQR Supervisor II Michael McNally while working at the Iowa Falls facility. The claimant and McNally had regular disagreements about McNally's supervisory style and contradictory instructions he would give the claimant. In December 2018, the claimant was attempting to learn how to use the ICPMS, a piece of lab equipment. McNally told the claimant and FSQR Associate Glenn Schilling that they were not trained on that piece of equipment at that time.

In March 2019, the claimant took his concerns to McNally's supervisor and was told the employer was working to develop McNally's leadership skills. As a result of McNally's conduct,

the claimant was experiencing depression, anxiety, panic attacks, and stress hives. However, he did not seek medical attention with regard to these issues.

On May 8, 2019, McNally placed the claimant on a 90-day performance improvement plan. On May 16, during their daily meeting, McNally told the claimant that he needed to learn how to use all of the equipment and used the ICPMS as an example. The claimant reminded McNally of the December 2018 directive regarding the ICPMS and McNally told the claimant that he did not want excuses. The claimant was frustrated at the conclusion of the meeting. He approached McNally's supervisor and was again told the employer was working on improving McNally's leadership skills.

On the morning of Friday, May 17, the claimant filed a service ticket with Human Resources regarding his complaints about McNally. The claimant submitted his two-week notice to McNally and others that afternoon. The HR service ticket was routed to Employee Relations Senior Specialist Holly Platts, who was out of the office until Monday, May 20. She contacted the claimant the day she returned and they discussed his issues with McNally. The claimant told her about the health issues he experienced as a result of McNally's conduct. They discussed how to successfully finish out the two-week notice period. The claimant's last day of work was May 31.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

...

d. The individual left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury, or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.25 provides, in relevant part:

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:

...

(21) The claimant left because of dissatisfaction with the work environment.

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

...

(27) The claimant left rather than perform the assigned work as instructed.

(28) The claimant left after being reprimanded.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

The claimant contends he left work due to mental health issues that were the result of his work environment. However, the claimant did not leave work upon the advice of a licensing and practicing physician. The record shows the claimant left work due to conflicts with his manager, a dislike of the work environment, and following a reprimand. The claimant has not established that he left work with good cause attributable to the employer. Benefits are denied.

DECISION:

The June 14, 2019, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn