

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNY A HANSON

Claimant

APPEAL NO. 10A-UI-08898-S

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRUEGGER'S ENTERPRISES INC

Employer

OC: 05/23/10

Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

871 IAC 24.26(4) – Detrimental/Intolerable Working Conditions

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 14, 2010, reference 01, that held she voluntarily quit without good cause effective May 13, 2010, and that denied benefits. A hearing was held in Des Moines, Iowa, on August 3, 2010. The claimant participated. The employer did not participate.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: The claimant began work on October 1, 2007. When the claimant accepted a promotion to assistant manager, the employer re-assigned her to a store location in Clive, Iowa, on February 10, 2010. The claimant was placed under the supervision of General Manager Vicky Mulligan.

During the last nine weeks of the claimant's employment, she had weekly conferences with the district manager about ongoing issues with Mulligan about a lack of training and communication. The claimant studied her role as assistant manager and the employer's book that outlines the training steps. The claimant repeatedly complained that Mulligan was failing to train her in her job duties; and when she complained, she would receive the silent treatment. At times, Mulligan would bring in subordinate employees like shift managers to discuss the personal issues she and claimant had at the workplace. There were times Mulligan would not speak to the claimant for up to three or four days.

When the claimant perceived that area/regional managers were not solving the issues she had with Mulligan, she contacted human resources on several occasions. After an area manager would take the claimant and then Mulligan outside the store (no in-store private areas) to discuss the strained relationship, Mulligan would later make snide comments to claimant, like, "What's that all about?"

On her final day, May 13, claimant was helping a customer with a down-syndrome child who was apologetic about being slow making an order. As the claimant told her to take her time, Mulligan

pushed her aside from the cash register in order to ring-up a sale for another customer. Since the claimant had already recorded items on her register, the Mulligan sale caused errors that are attributable to the claimant's register. Claimant requested a conference with the area and regional manager about the most recent incident in light of the ongoing, strained relationship, and she announced her decision to quit during the one-hour meeting.

The employer failed to respond to the notice and appear for hearing.

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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer on May 13, 2010 due to detrimental/intolerable working conditions.

The claimant's achievement in being promoted to assistant manager demonstrates that she was a quality employee. She knew the training regimen required in order to learn the job and her manager's role in providing it. The claimant's manager frustrated her by failing to provide the necessary training and giving her the silent treatment when she sought instruction. The claimant pursued the proper channels in trying to improve the working relationship for nine weeks; and when management failed to correct the situation, she quit due to the intolerable working condition the manager had created.

DECISION:

The department decision dated June 14, 2010, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to the employer effective May 13, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw