

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MILTON A SCHULTE

Claimant

APPEAL NO: 09A-UI-10143-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA BEER & BEVERAGE COMPANY

Employer

OC: 012/28/08

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(6) – Co-Worker Relationship
871 IAC 24.25(37) – Resignation

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 10, 2009, reference 03, that held he voluntarily quit without good cause attributable to his employer on May 21, 2009, and benefits are denied. A telephone hearing was held on July 31, 2009. The claimant participated. John Welsh, Warehouse Manager, and Neil Matthias, Finance/Accounting Manager, participated for the employer.

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 witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time warehouse employee from January 15, 2009 to May 21, 2009. The claimant submitted a written resignation to his supervisor, John Welsh, on May 21st stating he was resigning from employment on that day for personal reasons. The employer accepted the resignation.

Prior to resigning, the claimant discussed a personality conflict with a warehouse co-worker who would yell and harass him. Welsh immediately approached the co-worker about the complaint, and requested that he refrain from this behavior. Prior to resigning, the claimant did not tell Welsh he was thinking about quitting due to the continuing conflict he had with the co-worker.

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 24.25(6), (37) 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:

(6) The claimant left as a result of an inability to work with other employees.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to resignation for personal reasons.

While the claimant did complain to his supervisor about a personality conflict with a co-worker, he did not state the situation was to the point of him quitting. The resignation without notice for personal reasons gave the employer no indication that the personality conflict issue had not been resolved.

DECISION:

The unemployment insurance decision dated July 10, 2009, reference 03, is affirmed. The claimant voluntarily quit without good cause due to his resignation on May 21, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs