

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LINDSEY K YOUNG
Claimant

NATIONWIDE MUTUAL INSURANCE CO
Employer

APPEAL 17A-UI-03883-NM-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/12/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(22) – Personality Conflict with Supervisor
Iowa Admin. Code r. 871-24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 28, 2017, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on May 2, 2017. The claimant participated and testified. The employer participated through Senior Representative Tammy Fabynik.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a national sales agent from March 16, 2015, until this employment ended on March 14, 2017, when she voluntarily quit.

On March 14, 2017, claimant submitted a letter of resignation to her immediately supervisor, Celeste Watson. The letter stated claimant was resigning effective immediately due to the stress and anxiety she was suffering at work. During the hearing claimant testified this stress and anxiety was caused by the way she was treated by Watson. According to claimant Watson would regularly criticize her performance, tell her that she was the worst performer on the team, monitor her work more closely than others, and told her she was preventing her from transferring to another department.

The Thursday before claimant resigned Watson pulled her into a room and told her she had explained coverage incorrectly on one of her calls, though claimant knew this was not the case. Claimant determined she could not take Watson's treatment any longer and tendered her resignation the following Monday. Had claimant not resigned work would have continued to be available to her.

REASONING AND CONCLUSIONS OF LAW:

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

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.

Iowa Admin. Code r. 871-24.25 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.

...

(28) The claimant left after being reprimanded.

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). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Claimant resigned because she felt she was being treated unfairly by her supervisor and following a reprimand she felt was not warranted. Had claimant not resigned, work would have continued to be available to her. While it is understandable why claimant would choose not to continue working for this supervisor, she has not established that the working conditions were such that the average person would find them intolerable. Claimant's leaving may have been based upon good personal reasons, but it was not for a good cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The March 28, 2017, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she is deemed eligible.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs