

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM E DIXON
Claimant

APPEAL NO. 07A-UI-02848-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KOHL'S DEPARTMENT STORES INC.
Employer

**OC: 02/11/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

William Dixon filed an appeal from a representative's decision dated March 19, 2007, reference 03, which denied benefits based upon his separation from Kohl's Department Stores. After due notice, a telephone conference hearing was scheduled for and held on April 5, 2007. The claimant participated. The employer participated by Mr. Chad Brimeyer, Human Resource Operations Manager.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony, considered all of the evidence in the record finds: The claimant worked for Kohl's Department Stores from January 31, 2006 until February 11, 2007, when he voluntarily left employment. Mr. Dixon was employed on a part-time basis averaging 20 to 25 hours per week and was paid by the hour. His immediate supervisor was Ms. Felicia Wilcox.

Mr. Dixon left his employment with this company because of dissatisfaction with the manner in which his supervisor treated him. Mr. Dixon felt that at times Ms. Wilcox had singled him out for criticism that was unwarranted and at times criticized the claimant in the presence of other employees. The claimant left his employment on the night of February 11, 2007 after being reprimanded by Ms. Wilcox. Mr. Dixon believed that his supervisor had made inappropriate statements and used unacceptable language. Although dissatisfied with the treatment accorded him by his supervisor, Mr. Dixon did not bring his dissatisfaction to the attention of upper management prior to leaving.

REASONING AND CONCLUSIONS OF LAW:

The evidence establishes that Mr. Dixon left his employment with Kohl's Department Stores based upon his dissatisfaction with the manner in which he was being treated by his immediate supervisor. The claimant was the newest employee on the night crew and at times was given

directives and counseling in a manner that he felt was unacceptable. In spite of Mr. Dixon's dissatisfaction he did not bring the matter to the attention of upper management before leaving his employment on the night of February 11, 2007, when he believed that his supervisor had made inappropriate statements and used inappropriate language in counseling him. As upper management was unaware of any dissatisfaction on the part of Mr. Dixon, it was not aware of any allegations that his supervisor was acting inappropriately, management was unable to make any changes that would have allowed Mr. Dixon to continue to be employed. The claimant chose to leave his employment rather than to complain to upper management.

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.

For the reasons stated herein, the administrative law judge finds the claimant's separation was a quit without cause attributable to the employer based upon the claimant's failure to make complaints to management before leaving. Benefits are denied.

DECISION:

The decision of the representative dated March 19, 2007, reference 03, is affirmed. The claimant voluntarily quit his employment under disqualifying conditions. Benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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