

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK HALDA
Claimant

APPEAL NO: 14A-UI-11528-E

**ADMINISTRATIVE LAW JUDGE
DECISION**

DARWIN LYNNER CO INC
Employer

OC: 10/12/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 28, 2014, reference 01, decision that denied benefits. After due notice was issued, a hearing was held in Des Moines, Iowa, before Administrative Law Judge Julie Elder on December 8, 2014. The claimant participated in the hearing. Andrew Linner and Eric Linner, Vice-Presidents, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his 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 employed as a full-time maintenance employee for Darwin Lynner from August 26, 2013 to August 1, 2014. He voluntarily left his employment because of a conflict with Apartment Manager Darlene Crook.

Around July 15, 2014, 32 of the employer's 50 washers and dryers at the apartment complex were broken into and the thief or thieves took between \$1,500.00 and \$2,500.00. The employer directed the maintenance employees to collect the money once per month, in pairs, which resulted in a large number of coins in the machines when the money was picked up. After collecting the laundry funds around July 15, 2014, the claimant and another employee took the money to Wells Fargo bank to deposit it in the employer's account. The claimant's bank, West Bank, was located across the street and because he and his co-worker took the money to the bank around their lunch break, the claimant went across the street to his bank to withdraw money for lunch. In the two weeks following the theft, Ms. Crook repeatedly questioned the claimant about why he went to his bank within days of the theft and after collecting the laundry money. The claimant was upset by what he felt were her veiled accusations that he was involved in the theft.

The claimant complained to Vice-President Andrew Linner about Ms. Crook's behavior and demeanor toward him and while Ms. Crook had talked to Mr. Linner about the theft and questioned whether the claimant participated in the theft, Mr. Linner did not believe the claimant was involved and did not question him about the incident. Ms. Crook also complained to Mr. Linner about the claimant failing to complete tasks she assigned him around the apartment complex or that he did not complete them to her satisfaction. Because both parties complained about each other, Mr. Linner, who had no plans to terminate the claimant's employment, chalked the situation up to a personality conflict.

On August 1, 2014, Ms. Crook directed the claimant to prepare an apartment for a new tenant who was moving in shortly. While the claimant was working on that apartment, the assistant manager called him because another apartment was without power and another apartment's plumbing was not working. He also had to go purchase blinds for the apartment he was preparing for the new tenant.

While he was at one of the other apartments, Ms. Crook called the claimant to the office and asked him again why he went to his bank after going to Wells Fargo after collecting the money from the laundry and chastised him for leaving the apartment she told him to work on. The claimant was extremely frustrated by her questions and the fact he heard she was talking about him to others with regard to the missing laundry money. He became more agitated and felt she usually spoke to him in a demeaning manner and he did not "want to take it anymore." He tried to call Mr. Linner but he was on the phone so the claimant left a message for him with the receptionist stating he was voluntarily quitting because Ms. Crook "said things (he) didn't agree with and it has been an ongoing thing for about one month and (he) was tired of what she was saying and (he) was going home." With that action the claimant voluntarily quit his job. Mr. Linner tried to call the claimant as soon as he finished with his phone call but the claimant's phone went directly to voice mail. Mr. Linner then called Ms. Crook and she stated the claimant turned in his keys and explained she was frustrated with him for not doing certain tasks she wanted done that day or not doing them to her satisfaction.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment 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(22) 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

Ms. Crook was dissatisfied with the claimant's work on occasion, believing he did not complete all tasks she directed him to do and he did not earn her approval for some of the work he did. She complained to Mr. Linner about the claimant just as the claimant complained about Ms. Crook to Mr. Linner. While Mr. Linner did speak to Ms. Crook about the way she talked to the claimant and the manner in which she asked him to perform his job, he attributed the situation to a personality conflict between the claimant and Ms. Crook.

The claimant became frustrated with Ms. Crook, decided he did not want to work with her any longer, and resigned his position with the employer. While he was understandably upset by her less than subtle accusations with regard to the missing laundry money, her opinion was not relevant to the situation. Mr. Linner's belief that the claimant was not involved in the theft was the only opinion that counted in this matter and Mr. Linner had no plans to discipline or discharge the claimant regarding that incident.

The claimant has not demonstrated that his leaving was for good cause attributable to the employer as that term is defined by Iowa law. He had a personality conflict with Ms. Crook and decided to leave his employment as a result. That is not considered good cause attributable to the employer for leaving. Under these circumstances, the administrative law judge must conclude the claimant has not met his burden of proof. Therefore, benefits must be denied.

DECISION:

The October 28, 2014, reference 01, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css