

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOYCE A SCHWALBE
Claimant

APPEAL NO: 11A-UI-09901-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PILOT TRAVEL CENTERS LLC
Employer

**OC: 06/26/11
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 19, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Greg Spurgon appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in August 2007. She worked as a full time cashier/deli host. Spurgon started working as the manager at the claimant's store on June 1, 2011. He became her supervisor. Before he became the manager, the claimant enjoyed her job.

After Spurgon became the manager, he checked her work including how well she cleaned a shower after another supervisor had already checked it and indicated it was satisfactory. Spurgon considered it as part of his job to make sure showers were cleaned according to the employer's specifications. He checked other employees' work also. When he checked her work, he thought she could have done a better job cleaning the grout in the shower. When the claimant's drawer count did not match a co-worker's count and needed a manager to approve the discrepancy, he made the comment, "First time counting?" When the claimant left at the end of her shift, she would say goodbye to him, but he did not tell her goodbye. The claimant concluded Spurgon was not satisfied with her work. The claimant was frustrated at the way Spurgon interacted with her and concluded he belittled her at work.

The last straw occurred when the claimant momentarily left her cash register to answer a vendor's question. When Spurgon went to help check out customers, he told the claimant that

she needed to make customers her priority. The claimant already knew taking customers was her primary job. Spurgon's continued comments about her job performance upset the claimant.

On June 22, when the claimant went on a ten-minute break, she punched out for her break and did not return. She did not tell the employer she was quitting. The claimant did not tell Spurgon that she believed he talked to her in a derogatory manner and was frustrated at the way he treated her.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit when she walked out on June 22, 2011. When claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

Although the claimant concluded Spurgon was not satisfied with her work performance and made derogatory remarks about her work performance, it is natural for a new manager to implement changes or place emphasis on work procedures that had not been emphasized before. Even though the claimant felt Spurgon did not respect her and did not appreciate some of his comments, she failed to let him know or his supervisor how she took some of his comments.

The law presumes a claimant voluntary quits without good cause when she leaves because of a personality conflict, 871 IAC 24.25(22), leaves after being reprimanded, 871 IAC 24.25(28), or leaves because she believes her work is not satisfactory even though the employer had not warned her that her job is in jeopardy for unsatisfactory work, 871 IAC 24.25(33). The claimant established personal reasons for quitting, but she did not quit for reasons that qualify her to receive benefits. As of June 26, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's July 19, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 26, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs