

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CINDY L SIKORA
Claimant

CHECK INTO CASH OF IOWA INC
Employer

APPEAL 19A-UI-07556-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 08/25/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant/appellant filed an appeal from the September 16, 2019 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 16, 2019, at 1:00 p.m. Claimant participated. Employer participated through Stuart Larimer, Hearing Representative. Julie Matthews, Senior District Manager, was a witness for employer. Employer's Exhibit 1 was admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without 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 as a full-time district manager from June 11, 2012 until her employment with Check Into Cash of Iowa, Inc. ended on August 26, 2019. (Claimant Testimony) Claimant's direct supervisor was Julie Matthews, Senior District Manager. (Claimant Testimony) Matthews became claimant's supervisor in late 2018 or early 2019. (Claimant Testimony)

Beginning in Spring 2019, claimant had issues with Matthews's supervision. (Claimant Testimony) Claimant felt Matthews harassed and demeaned her and created a hostile work environment. (Claimant Testimony) For example, Matthews criticized claimant's work and never praised claimant's accomplishments. (Claimant Testimony) This made claimant feel as though she was not doing a good job. (Claimant Testimony) However, claimant was never disciplined for poor work performance. (Claimant Testimony) Claimant notified Matthews's supervisor of her concerns, but felt that her concerns were not addressed. (Claimant Testimony) Claimant did not attempt to address her concerns with Matthews directly. (Matthews Testimony)

On August 21, 2019, someone entered claimant's work place and stated that he was interviewing for a district manager position. (Claimant Testimony) Claimant believed that this person was interviewing for her job and that she was being replaced. (Claimant Testimony) Claimant did not address her concern with her supervisor or human resources, because she felt

defeated. (Claimant Testimony) The individual was not interviewing for claimant's job. (Matthews Testimony)

On August 23, 2019, claimant had a telephone conversation with Matthews. (Claimant Testimony) Matthews's speech was slurred; claimant believed Matthews was intoxicated. (Claimant Testimony) The telephone conversation was the last straw. (Claimant Testimony) On August 26, 2019, claimant informed human resources that she could no longer work for employer due to issues she was having with Matthews. (Claimant Testimony) Claimant's resignation was effective immediately. (Claimant Testimony) There was continuing work available to claimant had she not quit. (Matthews Testimony) Claimant's job was not in jeopardy. (Matthews Testimony)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). 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). Where a claim gives numerous reasons for leaving employment the agency is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. *Taylor v. Iowa Dep't of Job Serv.*, 362 N.W.2d 534 (Iowa 1985).

Iowa Admin. Code r. 871-24.25(22), (33) 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.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

Claimant voluntarily quit her employment by tendering her resignation to human resources. Claimant's resignation shows her intention to end her employment relationship with employer and serves as an overt act of carrying out her intention. Claimant quit her job because of a personality conflict with her supervisor that left her feeling unappreciated. Claimant provided several different examples of her supervisor's conduct which she considered harassment or evidence of a hostile work environment. This administrative law judge has considered them all and finds that none of them constitute good cause attributable to the employer. Claimant's feelings were her own and not a reasonable result of employer's actions. Claimant has failed to meet her burden of proving good cause attributable to employer. Benefits are denied.

DECISION:

The September 16, 2019 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Adrienne C. Williamson
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Decision Dated and Mailed

acw/scn