

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELIA HENDRICKSON
Claimant

APPEAL NO: 09A-UI-01144-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADP INC
Employer

**OC: 11-23-08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 16, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on February 9, 2009. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left her 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 Tier I Customer Service Representative for ADP Inc. from January 14, 2007 to October 3, 2008. She submitted her two-week resignation notice September 19, 2008. She quit because she felt her team lead singled her out for unfair treatment. Without providing dates, the claimant cited several incidents where she felt she was mistreated. Her team lead was a Tier II Customer Service Representative before being promoted to team lead. Every week the seven to eight team members held a meeting and the team lead would ask someone to come up with an idea to build team morale such as decorating their cubicles. The first time this was brought up the team lead looked at the claimant and said, "I was going to have you go first but after looking at your My Space page I was afraid of what you would come up with." The claimant also stated that every time she asked the team lead for help she would sigh and seem a bit put out by her request. On another occasion the claimant was in her cubicle on a call when the team lead sent an e-mail saying the claimant needed to attend the training session but the claimant did not know where the training was and when she finished her phone call the team lead was not at her desk. The claimant asked another team lead where the training was and the claimant's team lead walked by her cubicle, turned around and yelled, "It's in room Erie – if you would have been listening." One time the team lead came to the claimant's cubicle and the claimant asked her a question and the team lead was impatient and somewhat rude and after she left the claimant asked a co-worker who sat nearby if the

team lead treated her like a two-year old and he said yes and added that the team lead did not treat others like that. At some point the employer added new employees and switched some seats around and the claimant was placed with the new people rather than the employees she had been working with even though there was a space where her remaining team members were sitting available. The claimant asked her team lead if she could move and her team lead was rude and said they could not move the claimant's computer again. When open enrollment was a short time away the employees were being trained on how to handle questions about the program. The claimant's previous team members "floor coached" employees all day while the claimant floor coached employees two hours a day and was on the phone the remaining six hours. The claimant and team lead had an annual meeting about the claimant's raise and the claimant told her team lead she felt she treated her like a child. She also stated she felt like she was treated like a bitch. The team lead said she was very busy and when the claimant felt like she was being treated in that manner she should pull her aside and tell her. Although she did receive her raise the claimant was upset because they spent 15 minutes talking about her raise and about decorating their cubicles. The claimant suggested that team members bring background information about themselves to display in their cubicles as a way to get to know each other better but the team lead "blew it off" and wanted the claimant to give her pointers on cooking. Soon after that the claimant submitted her two-week notice. In the meantime, she was off work two days due to her daughter's illness and off three days for vacation but her team lead listed all her time as sick leave. While the claimant did not believe she acted intentionally, she had to go over her head to get it fixed because the team lead had never had that situation come up before and did not know what to do. When she turned in her two-week notice, she told the team lead's supervisor they did not get along and the supervisor offered to move her to a different team but the claimant felt there would still be too much contact even though they would not attend weekly or yearly meetings together.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

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. While the team lead may have been rude and inconsiderate on occasion, and the claimant was clearly dissatisfied with her work environment, the team lead's actions do not seem so unreasonable as to create an unlawful, intolerable or detrimental working condition. "Good cause" for leaving must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). Additionally, the employer offered to move the claimant to another team but she refused to even try another team and see how it worked out or how often she had contact with her former team lead. Under

these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The January 16, 2009, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs