

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES W EASTERDAY
Claimant

FMKIRK LLC
Employer

APPEAL 15A-UI-12409-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/04/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 30, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on November 25, 2015. Claimant participated. Employer participated through district manager, Laurie Robinson, and senior district manager, Lynn Hennings.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to employer or did employer discharge claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as an assistant manager from October 10, 2014, and was separated from employment on October 5, 2015, when he resigned.

On September 17, 2015, claimant had a verbal argument with store manager, James Walsh. Claimant called district manager, Laurie Robinson, asking for a transfer. Robinson told claimant they needed to have a meeting to resolve the conflict. Robinson scheduled a meeting for September 21, 2015. However, claimant cancelled the meeting stating he knew Robinson would support Walsh.

On October 1, 2015, claimant informed Walsh he would not be at work the next day. Walsh told claimant he needed to find someone to work his shift for him. Claimant blew up at Walsh and called him names. Walsh informed Robinson of what occurred. Robinson spoke with claimant on the phone and proposed a meeting between claimant, Walsh, and Robinson for Tuesday, October 6, 2015. Claimant stated he would not attend the meeting. Claimant did not say anything about Walsh terminating his employment.

On Monday, October 5, 2015, claimant called senior district manager, Lynn Hennings. Claimant complained to Hennings about Walsh's work performance and requested a transfer. Claimant did not say anything about Walsh terminating his employment. Hennings stated he approved of the way Robinson was handling the situation and encouraged claimant to meet with Walsh and Robinson to resolve the conflict. Claimant stated he would not do so and resigned his employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Claimant asserts he was actually terminated by Walsh on Thursday, October 1, 2015. However, I find employer's testimony that claimant resigned on October 5, 2015, more credible than claimant's testimony.

Iowa Code § 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(6) and (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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

(22) The claimant left because of a personality conflict with the supervisor.

Here, claimant resigned his employment because he was unhappy with his supervisor's work performance. Claimant's resignation was not for a good cause reason attributable to employer.

DECISION:

The October 30, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Christine A. Louis
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Decision Dated and Mailed

cal/pjs