

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORY A SYMMONDS
Claimant

APPEAL NO: 12A-UI-08445-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THOMAS L CARDELLA & ASSOCIATES INC
Employer

**OC: 06/10/12
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 3, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Barbara Tony, a TALX representative, Cory Nemmers, and Corey Samuels 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 2010 as a telephone representative. The employer promoted her to a supervisory position. The claimant worked hard to make sure the employees she supervised did well so her section met the employer's goals.

The employer's policy requires supervisors to present an employee who consistently does not perform satisfactorily with a written performance improvement plan that the employee signs. The claimant had many employees sign performance plans. The claimant decided that for one of her employees, she would not have him sign a five-day performance improvement plan, but instead regularly monitored his calls and gave him one-on-one feedback to improve his performance.

In early May the claimant told Samuels, her immediate supervisor, that she felt she and her team were being treated unfairly by Nemmers. Samuels convinced the claimant that Nemmers was a hard on her because he was just a hard supervisor to please, but he did that to make everyone improve their performance.

On June 5, 2012, a corporate employee came to the employer's office for an audit. One of the areas corporate was checking was whether low-producing employees received five-day

performance plans. When Nemmers and Samuels talked to this employee, he had no understanding his job was in jeopardy. After he told the employer he had not been shown or signed a five-day performance plan, the employer excused this employee and talked to the claimant.

When the claimant was in the office, the above employee returned and quit. The employee told the employer he quit because Nemmers disrespected him when he laughed after the employee asked if he could stay on the claimant's team. After the employee again left the office, the claimant understood the employer blamed her for a large employee turnover. After learning she did not have the employee sign a performance improvement plan, but instead had him sign monitor forms, the employer reprimanded her for failing to have him sign a performance improvement plan. Samuels then addressed the claimant on her failure to complete required documentation because this was part of her job. Samuels told her she had a week in which to complete required documentation. After the employer asked the claimant to get the documentation, she had for this employee, monitor forms, she left the office. The employer assumed she would bring back the requested documentation. The claimant did not return; instead, she walked out and quit.

Later, the claimant sent Samuels a text that she had quit. The claimant did not give the employer any reason for quitting.

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 5 and did not return to work. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits employment without good cause when she leaves after receiving a reprimand. 871 IAC 24.25(28). The law also presumes a claimant voluntarily quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4).

Prior to June 5, the claimant felt that she and her team were treated unfairly when teams that had not met goals received perks and the claimant's team, which met goals, did not receive any perks. Even though the claimant did not feel the employer treated her fairly, the evidence does not establish intolerable working conditions.

On June 5, the employer reprimanded the claimant in the presence of a corporate employee because she did not have an employee, who performed unsatisfactory work, sign a work improvement plan as the employer's policy required her to do. The claimant's assertion that Samuels swore at her is not credible. This conclusion is based on the fact that it is doubtful an employee would swear in the presence of a corporate employee. Samuels was probably stern with the claimant in front of a corporate employee, which upset the claimant because she thought he was on her side.

The facts establish that the claimant's job was not in jeopardy, but she needed to complete the mandatory documentation on employees that had performance issues. The evidence indicates the reprimand really upset the claimant because she sincerely believed she was working in the best interests of the low-producing employee and the employer when she tried a different approach to improve this employee's performance. It is understandable why the claimant was

very upset after the employer reprimanded her. But, the employer did not act unreasonably by reprimanding the claimant when her employee did not realize his job was in jeopardy because he had not signed a performance improvement plan. The bottom line is that the claimant quit for compelling personal reasons. She was upset that she was reprimanded in front of a stranger and for doing her job in the best interests of the employee and employer. The reasons she quit do not qualify her to receive benefits. As of June 10, 2012, the claimant is not qualified to receive benefits.

DECISION:

The representative's July 3, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit her employment after she was reprimanded. While the claimant quit for personal reasons, her reasons for quitting do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 10, 2012. 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/kjw