

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTHONY R CECENA**  
Claimant

**APPEAL NO. 07A-UI-06564-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WILTON PRECISION STEEL**  
Employer

**OC: 05/27/07 R: 03**  
**Claimant: Respondent (2)**

Section 96.5(1) – Quit  
Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

The employer, Wilton Precision Steel (WPS), filed an appeal from a decision dated June 21, 2007, reference 01. The decision allowed benefits to the claimant, Anthony Cecena. After due notice was issued, a hearing was held by telephone conference call on July 24, 2007. The claimant participated on his own behalf. The employer participated by Human Resources Manager Leo Patrick, Foreman Curt Bacorn, President Dennis Hanser, and Plant Manager Tom Emmerick

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Anthony Cecena was employed by WPS from May 9, 2005 until May 29, 2007, as a full-time laborer on the second shift. He had had some disagreements with Foreman Curt Bacorn, apparently because he resented not being hired into the position himself.

On May 28, 2007, Mr. Bacorn felt the claimant was being insubordinate and was not prepared to follow the orders he was being given, and told him “you’re done.” The foreman intended this to be a discharge, but he does not have the authority to discharge anyone and was reprimanded for this action. The foreman is only to suspend employees to allow human resources and other management to investigate.

The claimant was summoned to a meeting the next day with President Dennis Hanser, Human Resources Manager Leo Patrick, and Mr. Bacorn, in an attempt to work things out. The incident of the night before was discussed and the claimant became agitated. Before any conclusion could be reached, he stood up and said he had “had enough” and was leaving, then walked out.

Anthony Cecena has received unemployment benefits since filing a claim with an effective date of May 27, 2007.

## REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(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 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.

The claimant quit because he refused to continue working for the employer. He felt he had been discharged, but his actions, and those of the employer, do not support this contention. A meeting was held to try to resolve the problems between the claimant and Mr. Bacorn, but Mr. Cecena refused to continue with the meeting and work toward a resolution because of the personality conflict with his supervisor. This is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which he is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of June 21, 2007, reference 01, is reversed. Anthony Cecena is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$1,656.00.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/kjw