

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMY L JOHNSON
Claimant

APPEAL NO. 07A-UI-02543-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STEWART SERVICES INC
Employer

**OC: 02/04/07 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
Section 96.6-2 – Burden of Proof

STATEMENT OF THE CASE:

Tammy L. Johnson filed a timely appeal from an unemployment insurance decision dated February 28, 2007, reference 01, that disqualified her for benefits. Due notice was issued for a telephone hearing to be held March 28, 2007. Although Ms. Johnson provided a telephone number at which she could be contacted, the number was answered by a recording. The administrative law judge left instructions for the claimant to contact the Appeals Section, but there was no further contact by the claimant. The employer, Stewart Services, Inc., did not respond to the hearing notice. This decision is based on information in the administrative file and the claimant's appeal letter.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having examined all matters record, the administrative law judge finds: Tammy L. Johnson was employed by Stewart Services, Inc., from June 11, 2002, until she resigned without prior notice on January 31, 2007. She last worked as a cemetery groundskeeper. She resigned because of a series of conflicts with her supervisor. She did not take her complaints about the supervisor to higher management.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer? It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. An individual who resigns because of a personality conflict with a supervisor leaves work without good cause attributable to the employer. See 871 IAC 24.25(22). While an individual may receive unemployment insurance benefits after resigning because of intolerable or detrimental working conditions, the evidence in this record falls short of establishing that the claimant's working conditions were that onerous. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated February 28, 2007, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw