

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADA L SNOBL
Claimant

APPEAL NO. 11A-UI-01436-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

RAINBOW SUPPER CLUB LLC
Employer

**OC: 01/02/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(22) – Personality Conflict with Supervisor

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 28, 2011, reference 01, that held she voluntarily quit employment without good cause on December 18, 2010, and that denied benefits. A telephone hearing was held on March 9, 2011. The claimant participated. Sally Deeb, GM, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began work about May 1, 2010 and last worked for the employer as a part-time cleaner/dishwasher on December 18, 2010. The claimant got into a discussion that escalated into an argument with GM Deeb, which no one remembers for what reason. The claimant became so upset she stated to Deeb, "I'm done, I quit," as she punched out and left work. A short time later, the claimant called in and told an employee she quit with a request to get her last paycheck. The following Tuesday, the claimant called into work and GM Deeb confirmed that it considered the claimant had quit work.

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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on December 18, 2010 due to a personality conflict with her supervisor.

The employer witness offered more credible testimony than the claimant on the employment separation issue. The claimant denies she quit her job, but she admits calling in after punching out and telling an employee she quit. This statement corroborates the employer/GM testimony that she stated she was quitting as she punched out and left work. A reasonable inference is that claimant was so upset about her argument with her supervisor that she made statements she was quitting that she later rejects. However, the employer has the right to rely on those statements as a quitting of employment.

DECISION:

The department decision dated January 28, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on December 18, 2010. Benefits are denied until the claimant has worked in and been paid wages for insured work, equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw