

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN ROBERTS
Claimant

APPEAL NO. 13A-UI-07897-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SAC & FOX TRIBE
Employer

OC: 06/09/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 27, 2013, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 12, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Lucie Roberts participated in the hearing on behalf of the employer with a witness, Faith Brown. Exhibit A was admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer from June 2009 to May 26, 2013. He started as a porter but was promoted to an assistant cleaning supervisor position in December 2011.

On May 26, 2013, the claimant was upset because a porter yelled at him complaining about her work assignment in front of other employees. The claimant told her that he did not make out the schedule and she would have to talk to the supervisor who did. Other employees asked him whether he was going to write up the porter. He was frustrated because he had received a warning in the past because he wrote an employee up and was told he did not have the authority to do it. The frustration increased when one of the supervisors who had given him the warning asked him if he had written up the employee who yelled at him. He told the supervisor that he did not because he had been warned previously for doing so. The claimant believed his lack of authority to discipline allowed employees to walk all over him.

The claimant voluntarily resigned from his employment on June 4, 2013, due to his dissatisfaction with the working conditions.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

While the claimant may have been dissatisfied with the work environment, I do not believe supervisors created intolerable working conditions for the claimant. The employer was within its rights to decide who is authorized to issue discipline.

DECISION:

The unemployment insurance decision dated June 27, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs