

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE R MAYER
Claimant

APPEAL NO. 07A-UI-00395-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QUAD CITY SALVAGE AUCTION INC
Employer

**OC: 11/19/06 R: 04
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Michelle Mayer filed an appeal from a representative's decision dated January 5, 2007, reference 02, which denied benefits based on her separation from Quad City Salvage Auction, Inc. (QCSA). After due notice was issued, a hearing was held by telephone on January 30, 2007. Ms. Mayer participated personally. The employer participated by Brian Driehorst, Director of Buyer Services. Exhibits One, Two, and Three were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Mayer was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Mayer began working for QCSA in February of 2006 through Kelly Services. She was hired as a regular employee in May of 2006 and was last employed full-time as ICAP manager. On October 13, 2006, she was to send an accounting software package to Mickey in Information Technology. Because she was going to be absent on October 13, Ms. Mayer asked Matt Jefferson to send the package for her.

When Ms. Mayer returned to work on October 16, she found that the software package had not been sent as requested and notified Brian Driehorst. Mr. Driehorst directed her to get it done, "no matter what." Ms. Mayer sent an e-mail to Mr. Jefferson asking that he take care of the matter as soon as possible. At 4:08 p.m. that day, she received an e-mail from Mr. Driehorst asking that she notify Mr. Jefferson "politely and respectfully [sic]" when she was done for the day. Apparently Mr. Jefferson found Ms. Mayer's e-mail to him objectionable. Mr. Driehorst's e-mail also indicated that Ms. Mayer was not to work in the accounting software until notified by Mickey that he was done. He also asked that she not call or e-mail Mr. Jefferson after notifying him that she was gone for the day.

Ms. Mayer took offense at Mr. Driehorst's e-mail because she felt it demonstrated a lack of support. She felt she had handled the software issue in the manner he directed. At 4:14 p.m. she sent Mr. Driehorst an e-mail indicating she found him to be rude and "not so nice" that day. She further indicated that she was giving her two-week's notice. She did not attempt to discuss the e-mail with Mr. Driehorst before quitting. She had not brought any other work-related problems to his attention. The employer has a human resources office located in the same building where Ms. Mayer worked. She also had access to the names and telephone numbers of the owner's of the business as listed in the employee manual. Ms. Mayer had not notified anyone in management that she was having problems with Mr. Driehorst or that she was experiencing any other difficulties at work. Continued work would have been available if she had not quit. Ms. Mayer filed a claim for job insurance benefits effective November 19, 2006.

REASONING AND CONCLUSIONS OF LAW:

Ms. Mayer voluntarily quit her employment with QCSA. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Mayer's decision to quit was prompted by Mr. Driehorst's e-mail of October 16. The administrative law judge does not find the e-mail to be overtly objectionable. Ms. Mayer may have taken offense at the suggestion that she was not polite and respectful when speaking or writing to Mr. Jefferson. Even if this was the suggestion, it was not so outrageous as to constitute good cause attributable to the employer for quitting. Moreover, Ms. Mayer did not even address the issue of the e-mail with Mr. Driehorst before quitting.

During the hearing, Ms. Mayer raised issues that had not been raised with the employer before quitting. She had a problem with the fact that Mr. Driehorst did not always provide accurate information as to whether vehicles were to be classified under ICAP or under QCSA. Although this may have presented a problem in the performance of her job, she never advised him of the problem so that he would have an opportunity to try to correct the problem. The administrative law judge is satisfied that Mr. Driehorst never asked Ms. Mayer to give false information to any entity on behalf of him or the company. Ms. Mayer never brought any problems to the attention of human resources or other managers. Therefore, she deprived the employer of a reasonable opportunity to address issues before she quit. Moreover, some of the issues occurred while Ms. Mayer was still a temporary employee. She accepted regular employment with the company in spite of whatever problems may have existed before.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Ms. Mayer did not have good cause attributable to the employer for quitting. Accordingly, benefits are denied.

DECISION:

The representative's decision dated January 5, 2007, reference 02, is hereby affirmed. Ms. Mayer voluntarily quit her employment for no good cause attributable to the employer.

Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

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