

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MATTHEW L SIMS
Claimant

MG WALDBAUM COMPANY
Employer

APPEAL NO. 17A-UI-07003-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/18/17
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 3, 2017, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 27, 2017. Claimant participated. Employer participated by Staci Woodside.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on February 28, 2017. Claimant quit in the middle of his shift on that date because he believed that his supervisors were continually picking on him.

Claimant was demoted from his position as a doughboy to being a cooked skilled employee working in packing on January 16, 2017. Claimant stated that both before and after the demotion he was picked on by his supervisors. Finally, claimant tired of being harassed, and quit in the middle of his shift.

Employer stated that claimant wasn't being harassed, rather he was being asked to do his job at the pace required. Employer further stated that claimant would refuse to do the tasks requested of him.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(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 holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he believed he was being harassed by his supervisors. Claimant did not prove that he was being treated differentially by his supervisors, and any personality conflict that he may have had with his supervisors does not constitute good cause to quit that is attributable to employer.

DECISION:

The decision of the representative dated July 3, 2017, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn