

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEILA M THOMAS
Claimant

APPEAL NO. 09A-UI-17311-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GENESIS DEVELOPMENT
Employer

OC: 10/18/09
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Sheila Thomas, filed an appeal from a decision dated November 6, 2009, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on January 5, 2010. The claimant participated on her own behalf. The employer, Genesis Development, participated by Operations Manager Brad Johnson and Vocational Director Carrie Wilde. Exhibit One was admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Sheila Thomas was employed by Genesis Development from April 20, 2009 until October 19, 2009 as a full-time operations supervisor. On October 19, 2009, the claimant resigned by giving a verbal resignation to a co-worker, Don Cross. She was “emotionally stressed” because that morning Operations Manager Brad Johnson had told her to shake sheets while she was waiting for another piece of equipment to be ready. Ms. Thomas felt this was a job for one of the consumers, not a supervisor, but all employees are to perform all job functions as needed.

The claimant felt Mr. Johnson was hostile to her even though he had met with her on September 8, 2009, along with Vocational Director Carrie Wilde, to discuss her work progress and any problems she might have. At that meeting she did not state she felt she was being treated unfairly or discourteously by Mr. Johnson, but did say she felt Mr. Cross did not treat her fairly. The employer talked with Mr. Cross and he agreed to modify his conduct.

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(21), (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:

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

The claimant felt she was being treated unfairly by the operations manager because he asked her to shake sheets while waiting for another piece of equipment to be ready. This was just as much a part of her job as any other duty in the facility, and the employer does not differentiate between employees. Being asked to do a job one does not like to do does not constitute good cause attributable to the employer for quitting if it is part of regular job duties, which this is.

Her other allegations against Mr. Johnson were never discussed with him or his supervisor. Ms. Thomas had received training at her orientation about the grievance process which she elected not to follow but quit instead. In order for good cause attributable to the employer to exist, a claimant with grievances must make some effort to give the employer an opportunity to work out whatever problem led to the grievance. By not giving notice to the employer of the circumstances causing the decision to quit employment, the claimant failed to give the employer an opportunity to make adjustments which would alleviate the need to quit. *Denby v. Board of Review*, 567 P.2d 626 (Utah 1977).

The record establishes the claimant quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of November 6, 2009, reference 01, is affirmed. Sheila Thomas is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs