

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DELORIS A EUCHNER
Claimant

APPEAL NO: 13A-UI-13264-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXCEPTIONAL PERSONS INC
Employer

OC: 11/03/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 26, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the January 9 hearing. Jill Jensen-Welch, Attorney at Law, represented the employer. Lisa Paterno, the human resource director, and Chris Sparks, the executive director, appeared on the employer's behalf. During the hearing, Employer Exhibit One (46 pages) was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in October 1996. She worked full time as the staffing coordinator and recruiter. Paterno supervised the claimant.

During the last two years, the employer's business underwent changes. The claimant felt the employer excluded her from information she needed after she filed a complaint in April 2013 against the community services director. The claimant believed this person had been bullying and harassing her and other employees for over a year. After the employer investigated the claimant complaint, the employer talked to the claimant in May 2013 about the outcome of the investigation. During the meeting, Sparks informed the claimant she was a valuable employee and the employer did not want to lose her. While the employer did not specifically state the claimant was not founded, the employer indicated the person the claimant made the complaint about would continue working for the employer. The claimant was not satisfied with the outcome of her complaint, but she did not have any specific complaints about this person after May 2013.

When the employer wanted to speed up the hearing process because of many positions they had available, the claimant resisted some suggested changes. After her April 2013 compliant the claimant concluded that some hiring changes or guidelines were discussed with her assistant and not the claimant. The employer changed the hiring guidelines a number of times. When the claimant asked for clarification of these changes, she did not receive a satisfactory clarification.

On October 17, 2013, the claimant overheard Sparks say to another employee, "are you still working on your evil plot to be the only HR staff." Sparks did not realize the claimant overheard this comment that he intended as a joke. Sparks comment upset the claimant because the human resource department had two employees recently resign. The claimant sent Sparks an email that she took his comment personally and it upset her. Sparks responded by telling the claimant his comment had been joke and that he handles stress with humor. He also informed the claimant that the employer valued her experience and maturity. The claimant was not satisfied with Sparks' response and was upset with his comment, but did not say anything else to him. She took his remark regarding her experience and maturity personally and did not appreciate it.

Paterno was not at work on October 17. When Paterno returned to work, the claimant approached her on November 1 about the October 17 emails between the claimant and Sparks. The claimant and Sparks had sent Paterno a copy of the emails they had exchanged. When the claimant approached Paterno she was busy. Even though Paterno believed Sparks had adequately addressed the claimant's concerns she took time to talk to the claimant. During their conversation, Paterno told the claimant that she was frustrated with all the petty complaints employees made. While Paterno did not specifically tell the claimant her issue with Sparks was petty, the claimant took her remark personally and understood that Paterno thought she was being petty. Paterno's remark upset the claimant.

After talking to Paterno, the claimant gave the employer her November 1 written resignation that was effective immediately. She indicated she was resigning because of everything that had happened during the last year.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit when she submitted her November 1, 2013 resignation.

When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2). The evidence establishes that even though the employer considered the claimant a valued employee and her job was not in jeopardy, the claimant was frustrated with the changes being made and believed she was being left out of important conversations after she filed a her April 2013 compliant. The last straw incident occurred after the claimant understood Paterno thought she was being petty about Sparks October 17 comment that she overheard and his response to her. Unfortunately, the claimant Sparks and Paterno's comments too personally. She misinterpreted what both Sparks and Paterno said.

While the claimant established personal reasons for quitting, her reasons for quitting do not qualify her to receive benefits. As of November 3, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 26, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but her reasons do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 3, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css