

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON M RUSH
Claimant

APPEAL NO. 07A-UI-11226-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 11/11/07 R: 02
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 3, 2007, reference 01, that concluded he voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on December 19, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Heather Schmidt. Casey West participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time as an overnight stocker for the employer from December 13, 2006, to November 10, 2007. He became dissatisfied with working conditions because he felt that he was being mistreated by the assistant manager, Casey West, and harassed by a coworker, James.

West did not treat the claimant any differently than any other employee. The claimant considered West's questioning him about how he was progressing with the work he was assigned and urging him to work harder or faster to be mistreatment. West was just performing his supervisory duties in monitoring the claimant's work.

The claimant often was required to work with another stocker, James. The claimant resented the fact that James often asked him what he was doing and bossed him around. The claimant believed James was bugging him intentionally to upset him. The claimant, however, did not complain to management about James until his last day of work. The claimant told West about what James had been doing and informed West that he did not know whether he would report to work for his next shift. West told the claimant that he would speak to James and encouraged the claimant to report to work because he was on a final warning for absenteeism.

West spoke to James and warned him about harassing the claimant. West intended to separate James and the claimant so that they would not have been required to work together. The

claimant, however, called in before his shift and informed another assistant manager that he was quitting his employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The claimant quit employment due to personality conflicts with his supervisor and a coworker. The evidence fails to establish West did anything more than monitor the claimant's work performance, which was part of his job duties. West took effective action when the claimant informed him about the problems he was having with James. The claimant left employment without taking a reasonable step of finding out what action West had taken and returning to work to see if the situation had been corrected. He quit without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated December 3, 2007, 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/kjw