

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARSHAUN WATSON
Claimant

KINSETH HOTEL CORPORATION
Employer

APPEAL 21A-UI-01267-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/19/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting of Employment
Iowa Admin. Code r. 871-24.25(22) – Quit Due to Personality Conflict with Supervisor

STATEMENT OF THE CASE:

On December 16, 2020, the claimant, Marshaun Watson, filed an appeal from the December 7, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a determination that he voluntarily quit his employment and was not eligible for unemployment insurance benefits. The parties were properly notified of the hearing. A telephonic hearing was held on February 17, 2021. The claimant, Marshaun Watson, participated. The employer, Kinseth Hotel Corporation, participated through witnesses Elliot Rhoad, General Manager; and Tasia Jones, Executive Housekeeper; and hearing representative Alyce Smolsky represented the employer. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant, Marshaun Watson, voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a housekeeper, from December 5, 2019, until January 19, 2020, when he resigned. Continued work was available, had Claimant not voluntarily ended his employment.

Claimant was scheduled to work on January 18, 2020. He called in and spoke to Jones, telling her that he no longer wanted to work for the employer and he wished to be taken off the schedule. Jones asked him to come in the next day and fill out and sign a separation form, which he did. On January 19, Claimant wrote that he was resigning because he did not like the way his supervisor acted toward him. He then wrote, "Y'all enjoy this work," signed the piece of paper, and left.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was without good cause attributable to the employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25 provides:

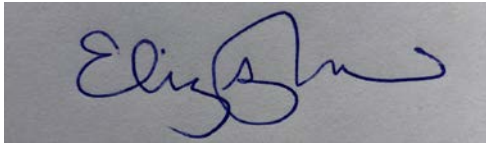
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, Claimant left his employment voluntarily after apparent conflict with his supervisor. He did not describe the conflict on the record, despite being given multiple opportunities to present evidence, and therefore the administrative law judge cannot conclude that the conflict amounted to a hostile work environment justifying his quitting. Claimant has not presented sufficient evidence to support a finding that he quit his employment with good cause attributable to the employer. Benefits are withheld.

DECISION:

The December 7, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

A handwritten signature in blue ink, appearing to read "Elizabeth A. Johnson", is shown on a light-colored background.

Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 26, 2021
Decision Dated and Mailed

lj/scn