

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DEE S HON**  
Claimant

**MENARD INC**  
Employer

**APPEAL 15A-UI-03292-LT**  
  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/01/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 12, 2015, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on April 13, 2015. Claimant participated with her boyfriend Nick Boelman. Employer participated through general manager Shaphan Smith, assistant general manager Travis Spiker and was represented by store counsel Alex Meyers.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part-time as a morning stocker and was separated from employment on January 26, 2015, when she quit. Spiker gave her temporary permission to not work Saturdays when she moved. A week earlier assistant manager Patrice Prescott said she had to work Saturdays and was brusque in dealing with claimant asking her to redo work she had already completed. She brought her complaint to department manager/supervisor Dustin Wright. Prescott had been counseled in the past about the way she interacted with people. On January 22, second assistant general manager Zach Deming asked claimant to put her complaint in writing but she did not do so. Prescott no longer works for Menard, Inc. Claimant is eligible to reapply for work.

**REASONING AND CONCLUSIONS OF LAW:**

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

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(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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant's decision to quit because she did not agree with the supervisor about various issues and declined to put her complaint in writing at the employer's request did not establish good-cause reasons attributable to the employer for quitting. Benefits are denied.

**DECISION:**

The March 12, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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