

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE D MC SPAREN

Claimant

APPEAL NO: 13A-UI-07727-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SENECA AREA AGENCY ON AGINIG

Employer

OC: 06/02/13

Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntarily Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 24, 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 hearing with her witness, Dalene Hamilton. Kim Goering, the special programs director, appeared on the employer's behalf. During the hearing, Claimant Exhibit A 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 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 December 27, 2011. The claimant worked as a full-time case manager. Goering supervised the claimant. During her employment, the claimant brought issues about Goering's assistant, L.R., rudeness and unprofessionalism to Goering's attention. The claimant had to go to work with L.R. on some issues. The claimant and L.R. have not gotten along since the claimant started her employment.

Most recently, the claimant went to Goering's office on May 30 about an issue with L.R. The claimant was very upset about the way L.R. had just treated her. Before the claimant went to Goering's office, she had gone to L.R. to ask her a question and noted the L.R.'s calculations were not correct. The claimant told L.R. that her calculations were not correct. L.R. then swore and yelled at the claimant. L.R. told the claimant, "You don't come into my office and tell me I'm wrong."

When the claimant went into Goering's office she closed the door so she could speak to her in private. L.R. interrupted and opened the door. L.R. said, "The claimant was not going to Goering's office just to run to Kim to talk about her." The claimant asked L.R. to leave more than once. Finally, L.R. left Goering's office. The claimant told Goering that she could no

longer tolerate L.R.'s conduct and if something did not change, she would quit. Goering knew that both the claimant and L.R. were upset. She arranged a meeting the next day, May 31.

Goering had talked to L.R. before and had told her to "play nice" with everyone. Goering did not discipline L.R. in the past or on May 30.

The claimant did not want to work directly with L.R. or to report to her. The claimant wanted Goering to reprimand L.R. for the way she treated the claimant on May 30.

On May 31, the claimant learned the employer had come up with no options. Goering told the claimant she would have to continue to work with L.R. and the two of them would have to work out their differences. The claimant then quit because of the way L.R. treated her the day before and in the past.

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 on May 31, 2013. 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 law presumes a claimant quits for intolerable working conditions. 871 IAC 24.26(4).

Since the claimant had reported problems between herself and L.R. before, the employer's directions to L.R. to "play nice" with everyone were not effective. On May 29 when L.R. came into Goering office uninvited and upset with the claimant for talking to Goering, the employer's decision to do nothing left the claimant with no option but to quit. L.R.'s conduct was unreasonable, unprofessional and rude. Since the employer chose to do nothing to resolve future problems between the two, the claimant established that she quit for reasons that qualify her to receive benefits. As of June 2, 2013, the claimant is qualified to receive benefits.

DECISION:

The representative's June 24, 2013 determination (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that qualify her to receive benefits. As of June 2, 2013, the claimant is qualified to receive benefits provides she meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css