

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TYLER W HOWELL**  
Claimant

**APPEAL NO. 12A-UI-11065-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ARONA CORPORATION**  
Employer

**OC: 10/09/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated September 6, 2012, reference 03, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on October 10, 2012. The claimant participated. The employer participated by Ms. Lisa Ziesman, client service manager, and Mr. Dave Richardson, general manager. Claimant's proposed Exhibit 1 was offered but not received into evidence.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Tyler Howell was employed by Arona Corporation from March 15, 2012, until August 3, 2012, when he voluntarily left employment. Mr. Howell was employed as a full-time manager trainee and was being paid by the hour. His immediate supervisor was Dave Richardson.

Mr. Howell left his employment at approximately 11:30 a.m. on the morning of August 3, 2012, because of dissatisfaction with the manner in which he believed he was being treated by the supervisor, Dave Richardson. On that day, Mr. Richardson had given directives to Mr. Howell and another worker to perform certain work. Later, Mr. Richardson found that the work had not been completed and used expletives, in effect saying that it was Mr. Richardson's responsibility to ensure that the work got out and if employees were unwilling to perform their work, they should get out. The claimant had been increasingly dissatisfied with the manner in which he believed Mr. Richardson had been treating him and other workers and that Mr. Richardson had often engaged in yelling and the use of inappropriate language when performing his supervisor duties. There were a number of placards in the work area informing employees of their ability to go up the chain of command with any complaints about local supervision. Mr. Howell did not avail himself of these methods of complaining about his treatment before leaving employment without notice that day.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left 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.

871 IAC 24.25(21), (22), and (28) provide:

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:

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

.....

(28) The claimant left after being reprimanded.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if the conditions persist in order to preserve eligibility for benefits. See Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

Inasmuch as the evidence in the record establishes the claimant did not give the employer an opportunity to resolve his complaints prior to leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's decision dated September 6, 2012, reference 03, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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