

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

NANCY LAUMEYER
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OTTUMWA IA 52501

AUTO ZONERS INC
AUTO ZONE INC
DEPARTMENT 8029-1
PO BOX 2198
MEMPHIS TN 38101-2198

Appeal Number: 05A-UI-08240-S2T
OC: 07/03/05 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Nancy Laumeyer (claimant) appealed a representative's August 3, 2005 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Auto Zoners (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 29, 2005. The claimant participated personally and through Priscilla Price, Commercial Specialist, and David Hamre, Parts Sales Manager. The employer participated by Steven Smith, District Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired in January 1997, and at the end of her employment was working as a part-time parts sales manager. She went from full-time to part-time hours in March or April 2004. The claimant continued to work for the employer after the reduction in hours. In the last months of her employment she was not guaranteed a certain number of hours.

The claimant and her co-workers agreed that the supervisor was not doing his job properly. The claimant reported this to the supervisor's superiors but the superiors felt the claimant had a personality conflict with her supervisor.

On July 14, 2005, the supervisor was going to give the claimant a reprimand. Before he did so, the claimant gave her verbal notice of resignation. The claimant's last day of work was July 28, 2005. Continued work was available to the claimant had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit without good cause attributable to the employer. For the following reasons the administrative law judge concludes she did.

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(22)(28) 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.

(28) The claimant left after being reprimanded.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer that she was leaving and quit work. When an employee quits work after having been reprimanded, her leaving is without good cause attributable to the employer. Likewise, when an employee quits work due to a

personality conflict with a supervisor, her leaving is without good cause attributable to the employer. The claimant left work right before she was to be reprimanded and she had a personality conflict with her supervisor. She disagreed with his management style. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's August 3, 2005 decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are denied.

bas/pjs