

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

IRIS L JOVEL
Claimant

APPEAL NO: 18A-UI-11735-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

JELD-WEN INC
Employer

OC: 11/04/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 28, 2018, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 19, 2018. The claimant participated in the hearing with CTS Language Link Interpreter Abdul (11429). Mark Shaw, Human Resources Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time sash cleaner for Jeld-Wen from April 7, 2014 to October 23, 2018. She voluntarily left her employment after being reprimanded and due to a conflict with her supervisor.

On October 15, 2018, the claimant received a written warning because she was asked by her lead worker on multiple occasions to remain productive at all times and not stand around eating and using her cell phone outside of break times, and she failed to do so. The warning also cited a lack of respect for her lead worker when she asked the claimant to remain focused on her job and asked her not to walk away from her job.

The claimant was upset by the warning and consequently she stopped going to work October 19, 2018. The claimant felt harassed by her lead worker because she told the claimant to stop eating on the line and using her cell phone when others were doing the same thing. The employer testified other employees occasionally ate on the line or used their phone but the claimant's behavior was much more frequent. On October 23, 2018, the employer called the claimant and she stated she felt she was treated unfairly when she received the written warning and she voluntarily quit her job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(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:

(28) The claimant left after being reprimanded.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant was upset because she received a written warning October 15, 2018, for eating on the production floor and using her cell phone. While she maintains she was singled out and other employees did the same thing, the employer credibly testified the claimant did so much

more often than the other employees and was talked to about her behavior several times before the written warning was issued. The claimant was aware of the employer's rules but despite that knowledge ignored the employer's policies. The claimant's behavior caused friction with her lead worker and resulted in a personality conflict between the two as well.

The claimant was dissatisfied with the work environment and voluntarily quit her job. She has not demonstrated that her leaving was for unlawful, intolerable, or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The November 28, 2018, reference 02, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn