

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ASHLEY L GORDON
Claimant

MANAGEMENT SERVICES INC
Employer

APPEAL 16A-UI-12159-DB-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 10/09/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the November 2, 2016 (reference 03) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on November 30, 2016. The claimant, Ashley L. Gordon, participated personally. The employer, Management Services Inc., participated through Human Resources Manager Angela Wubben.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as an accounting manager. She began working for this employer on June 1, 2016 and her employment ended on October 6, 2016. Her job duties included attending to payroll, accounts payable, accounts receivable, and running various financial reports.

Claimant was put on a performance improvement plan on September 23, 2016. This plan set several goals on when claimant would become proficient in her specific job duties. To assist her with training in these specific job duties a co-worker named Steven Cowie was assigned to teach claimant these various job tasks. Mr. Cowie was a controller with the company.

Claimant and Mr. Cowie did not get along. Mr. Cowie did not answer claimant's questions about the job tasks, went over issues too fast without explanation, cursed at claimant because he believed a report was wrong on one occasion, and many times even spent work time playing computer games or doing online shopping. Claimant never filed a formal complaint against Mr. Cowie but did mention to Ms. Wubben on one occasion that he was difficult to get along with.

On October 6, 2016 claimant was trying to complete reports as instructed by Mr. Cowie; however, he did not agree with the report she had completed and cursed at her. He then instructed her to run the report a different way than she was used to. This new way took longer. Claimant became frustrated and stressed in working with Mr. Cowie. She tendered her verbal resignation to Ms. Wubben that day due to the stress of the job and Mr. Cowie's actions.

Claimant had no other discipline besides the performance improvement plan issued to her during the course of her employment. She was not going to be laid off or discharged from employment. There was continuing work available to her had she not quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Claimant determined she could no longer work with Mr. Cowie. Claimant had an intention to quit and carried out that intention by tendering her verbal resignation and leaving. As such, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case claimant voluntarily quit because she did not get along with Mr. Cowie and she was stressed by the amount of work that was required of her.

Iowa Admin. Code r. 871-24.25(6) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

The claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The November 2, 2016 (reference 03) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits shall be withheld in regards to this employer until such time as claimant is deemed eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

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