

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

TERESA L HARRIS
403 N ST
PO BOX 126
BRANDON IA 52210

EAST TOWNE CARE CENTER
1700 – 3RD ST NE
INDEPENDENCE IA 50644

Appeal Number: 04A-UI-02774-SWT
OC 02/01/04 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:

The claimant appealed an unemployment insurance decision dated March 2, 2004, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 1, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Joan Steffen participated in the hearing on behalf of the employer with witnesses, Jacque Adams and Kayla Ciesielski.

FINDINGS OF FACT:

The claimant worked for the employer as a dietary supervisor from March 17, 2003, to January 25, 2004. On January 19, 2004, the claimant submitted notice that she was quitting effective February 29, 2004. After she submitted her notice, the claimant was informed by the nursing home administrator, Joan Steffen, that the employer's policy only required a four-week notice and that she would only have to work through February 13, 2004. The claimant,

however, only worked through January 25. She called in on January 26 and stated that she would not be at work because her child was sick. She was absent without notice to the employer on her scheduled days of work afterward so on February 3, 2004, Steffen notified her in writing that her employment was terminated. The claimant did not return to work because she decided to quit before her scheduled last day of work.

The claimant voluntarily quit employment and was not discharged by the employer. She quit employment because she was not able to work with Steffen and believed that Steffen was undermining the performance of her job, accusing her of not getting along with her staff, and constantly questioning her judgment. As examples of this, Steffen informed the claimant that she was going to be reprimanded for ordering food from a restaurant without Steffen's permission when the claimant made the decision to do so after the electrical power at the nursing home went out in December 2003. Steffen also questioned the claimant about allowing the resident to eat candy bars for snacks and putting out other pre-packaged items for snacks for residents.

When the claimant submitted her notice, she did not provide any reasons for her quitting or did not complain to management about Steffen's treatment of her.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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(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.

Although the claimant contended that Steffen forced her to quit or that Steffen made work intolerable for her, the evidence presented does not support this contention. Instead, the evidence supports a conclusion that the claimant quit because she could not work with Steffen or deal with her management style. Good cause to quit employment under the unemployment insurance law has not been proven in this case.

DECISION:

The unemployment insurance decision dated March 2, 2004, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/kjf