

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACY R REESE

Claimant

APPEAL NO. 12A-UI-08228-H

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA STATE ASSOCIATION OF COUNTIES

Employer

OC: 06/10/12

Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Stacy Reese, filed an appeal from a decision dated June 28, 2012, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held in Dubuque, Iowa, on October 22, 2012. The claimant participated on her own behalf. The employer, Iowa State Association of Counties (ISAC), participated by Board of Supervisors Member Shirley Helmricks, Deputy Auditor Monica Heiserman, and Maintenance Supervisor Dave Timmer. Exhibits A and B were admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Stacy Reese was employed by ISAC from April 28, 2011, until June 11, 2012, as a full-time assistant custodian. She had been disciplined in January 2012 for excessive use of sick leave and was notified by the Board of Supervisors she was to bring a doctor's excuse for any absences due to illness in the future. She did this.

On Thursday, May 24, 2012, Deputy Auditor Monica Heiserman called Ms. Reese to her office to ask for doctor's excuses for days missed on May 18, and 21, 2012. Ms. Reese did not feel she had to bring a doctor's excuse for any other absences except the one that occurred next after the disciplinary action had been issued. Ms. Heiserman offered to call Board of Supervisors Member Shirley Helmricks to straighten out the matter and, in the meantime, was checking Ms. Reese's file for sick time usage and a copy of the disciplinary action. Ms. Reese was visibly upset and overwrought and put her hand up close to Ms. Heiserman's face between the two of them. Ms. Heiserman used her finger to move Ms. Reese's hand out of the way so they could make eye contact.

Ms. Reese became angry and overwrought and left the office. She complained to another employee, Annette Kunde, giving her version of the events, but did work out the remainder of that day. She was absent the next day and Ms. Helmricks met her in the parking lot of the doctor's office to get the medical excuse in order to make matters easier for her. Ms. Reese, at

that time, said she was under a lot of stress and she was “afraid” to go back into the workplace because of Ms. Heiserman and needed time off. Ms. Helmrichs told her that she would have to arrange that with her direct supervisor, Dave Timmer. In the meantime, she had received a call from Ms. Heiserman about the incident the day before and Ms. Heiserman was also concerned about continuing to work with Ms. Reese.

Ms. Reese waited until approximately 10:30 p.m. on Monday, May 28, Memorial Day, to ask Mr. Timmer for time off. She had approximately five days of vacation, so it was presumed she would return to work on June 5, Tuesday, when her sick leave ran out. However, she was no-call, no-show to work for the entire week from Monday, June 4, to Friday, June 8, 2012. Ms. Helmrichs did try to call her numerous times and left voicemail messages saying that the employer would not be able to pay Ms. Reese if she did not come in and sign her timecard. She was also asked to relinquish her building keys because she had been absent for so many days without authorization or notification and the employer was concerned.

On Monday, June 11, 2012, Ms. Reese handed her resignation to a board member, Jeff Madlon, outlining her reasons for quitting. She maintained she would not be “manhandled” and that she felt she was having communication issues with Mr. Timmer and, lastly, that there was too much stress in her personal life due to family needs and she would be resigning.

The claimant indicated that she expected Ms. Helmrichs to call her during the time she was on vacation and set up a time for a meeting. She did not explain why she expected the employer to conduct business with her when she had already indicated she needed the time off to deal with work and personal matters. At no time did she indicate when she would be returning to work or precisely when she would be available to do a meeting as she had requested.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant quit because of a conflict with her supervisor and general dissatisfaction with the work environment. Neither description given of the incident on May 25 constitutes “manhandling” on the part of Ms. Heiserman. The claimant acknowledged she was rather

aggressive herself, thrusting her hand up toward Ms. Heiserman's face and, at the very worst, all Ms. Heiserman did was move her hand out of the way so that they could have eye contact.

It appears that the claimant's personal life was adding a great deal to her stress level, which is not related to her employment. Her insistence on a meeting is not unreasonable, but she never made any effort on her own part to establish a firm date for such a meeting or make it known precisely what she expected and when. Her expectation the employer would call her while she was on vacation to set up a meeting has been inadequately explained.

Overall, the record establishes the claimant did not have good cause attributable to the employer for quitting and is disqualified from receiving unemployment benefits.

DECISION:

The representative's decision of June 28, 2012, reference 02, is affirmed. Stacy Reese is disqualified and benefits are withheld until she has requalified by earning ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw