

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN J GANTRIIS
Claimant

APPEAL NO. 08A-UI-06040-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RICK & BEV INC
Employer

**OC: 06/01/08 R: 01
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Rick & Bev, Inc. filed an appeal from a representative's decision dated June 25, 2008, reference 01, which held that no disqualification would be imposed regarding Susan Gantriis' separation from employment. After due notice was issued, a hearing was held by telephone on July 16, 2008. Ms. Gantriis participated personally. The employer participated by Rick Timm and Bev Timm, Owners, and was represented by Stuart Cochrane, Attorney at Law.

ISSUE:

At issue in this matter is whether Ms. Gantriis was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Gantriis began working for Rick & Bev, Inc., doing business as Timm's Auto Body, on March 10, 2008. She was hired to work full time as a secretary. She quit the employment because of stress. She did not receive medical treatment for any symptoms of stress and was not advised by a doctor to leave the employment. She never advised the employer that she intended to quit if certain work-related problems were not corrected.

Ms. Gantriis was to perform duties previously performed by an individual going on maternity leave. This individual, Joy, trained Ms. Gantriis from March 10 until May 20. Joy wrote down specific steps for performing each job duty. Ms. Gantriis also kept notes as she was being trained. Ms. Gantriis was able to ask questions of Bev or Rick Timm after Joy left for maternity leave. She was told that, if she felt she had conflicting instructions from the owners, she was to perform in the manner desired by Bev. When questioned periodically as to whether she understood the work, Ms. Gantriis indicated she did.

The employer found that Ms. Gantriis was not performing her job duties correctly and, therefore, gave her a written warning on May 27. She signed the warning and returned it to Bev Timm

without comment. Later in the day on May 27, Ms. Gantriis was told by Rick Timm that her services would not be needed on May 28. She returned to work on May 29 and completed the day. She was not given any instructions regarding work for May 30. She called on the morning of May 30 and advised Rick Timm that she was quitting because of work-related stress. Continued work would have been available if she had not quit as she was not being considered for discharge at that time.

Ms. Gantriis filed a claim for job insurance benefits effective June 1, 2008. She has received a total of \$1,512.00 in benefits since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Gantriis quit because of stress related to the demands of the job. It appears that her job required her to be organized so that tasks were performed in a required order. It also required attention to detail because it dealt with figures and invoices. Ms. Gantriis was experiencing stress because she was not able to keep the processes in order. She attributed the problems to lack of training by the employer. However, she had worked with Joy for two months before doing the job on her own. She also had step-by-step instructions, as well as her own notes, on how to perform tasks. She also had the owners available to answer questions. When questioned, she always indicated to the employer that she felt she knew what she was doing. For the above reasons, the contention that she was stressed because the employer failed to adequately train her has not been established.

The administrative law judge has also considered the fact that Ms. Gantriis was not advised by a doctor to leave the employment as a result of stress. Moreover, she never notified the employer that she was experiencing medical problems or stress symptoms as a result of the employment and that she intended to quit if work-related problems were not addressed. By not doing so, she deprived the employer of the opportunity to address and possibly resolve her concerns. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993); Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

Ms. Gantriis contended that she experienced sexual harassment on the job. She continued to work with Rick Timm in spite of an allegedly harassing comment he made to her at least a month before she quit. She left the employment only after she received a written warning about her job performance. She received the warning on May 27 and quit on May 30. Given the timing, the administrative law judge concludes that she quit because of the warning. An individual who leaves employment after being reprimanded is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(28).

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Ms. Gantriis quit for no good cause attributable to the employer. Accordingly, benefits are denied. She has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated June 25, 2008, reference 01, is hereby reversed. Ms. Gantriis quit her employment with Timm's Auto Body for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Gantriis has been overpaid \$1,512.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css