

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBRA K CRESS
Claimant

IOWA CVS PHARMACY LLC
Employer

APPEAL 21A-UI-01218-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/02/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting of Employment
Iowa Admin. Code r. 871-24.25(22) – Quit Due to Personality Conflict with Supervisor

STATEMENT OF THE CASE:

On December 11, 2020, the claimant filed an appeal from the December 1, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held on February 16, 2021. The claimant, Debra K. Cress, participated. The employer, Iowa CVS Pharmacy, L.L.C., did not register a participant for the hearing and did not participate.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time from June 26, 2012, until July 31, 2020, when she quit.

In July 2020, claimant's store got a new store manager named Cindy. Claimant describes Cindy as abusive, and she indicates that Cindy was trying to systematically get rid of all the staff. Claimant testified that she was one of seven staff-members who quit due to Cindy's behavior.

On July 31, Cindy called Claimant to come in early. Claimant was unable to make it in until 3:00 p.m., approximately one hour before her scheduled start time. When she came into the store, she saw a customer who needed help, so Claimant stepped up to the register to help the customer. The customer had one bottle of vitamins that were on "buy one get one free" sale. At the time, the store's policy was to allow a customer buying just one of an item on such a sale to receive a 50% discount. When Cindy saw Claimant do this, she got upset and told Claimant to issue a rain check for a free second bottle of vitamins instead. The customer did not want this, and Claimant did not want to do this, so Claimant gave the customer the discount.

After the customer left, Claimant and Cindy got into a discussion about the policy, and Cindy called Claimant a liar. They then got into a disagreement over whether Claimant had been asked to do a particular task previously, and Cindy called her a liar again. Ultimately, Cindy ended up six inches from Claimant and called her a liar a third time. That was the final straw for Claimant. She turned around, expressed that she was quitting her employment, and walked out of the store. Continued work was available, had Claimant not quit her employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 provides:

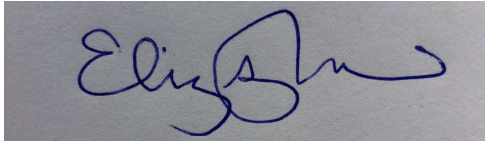
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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.

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 quit her employment after an altercation with her supervisor. While Claimant's supervisor was certainly not behaving as the ideal supervisor would, and Claimant rightfully felt upset and offended, Cindy's behavior was not so egregious that it justifies immediately quitting employment. This administrative law judge finds that Claimant's decision to quit because of her conflict with her supervisor was not a good cause reason attributable to the employer. Benefits are withheld.

DECISION:

The December 1, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.

A handwritten signature in blue ink, appearing to read "Elizabeth A. Johnson", is written on a light-colored rectangular background.

Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 25, 2021
Decision Dated and Mailed

lj/kmj