

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

LASHAWNDA GATEWOOD
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THE IOWA CLINIC PC
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Appeal Number: 04A-UI-09937-DWT
OC: 08/15/04 R: 02
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 are 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:

Lashawnda Gatewood (claimant) appealed a representative's September 8, 2004 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of The Iowa Clinic PC (employer) would not be charged because the claimant had voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, telephone hearings were held on October 6 and 14, 2004. The claimant participated in the hearings. Kathryn Johnson, the human resource director, and Jane Talcott, the claimant's supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in June 2003. She worked as a full-time lab technician. The claimant worked with another technician, T.W.

The first time the claimant reported problems to Johnson occurred after she received a suspension in late January 2004. The claimant reported she had problems with Talcott's management style. The claimant believed Talcott showed favoritism to T.W., that Talcott did not listen to the claimant, and that Talcott did not communicate effectively with the claimant. Johnson talked to Talcott about the claimant's concerns. The employer instructed the claimant and Talcott to meet on a regular basis to resolve these issues.. The claimant was satisfied with this plan, but the regular meetings did not occur.

The claimant has a history of headaches. She began experiencing more headaches when stress levels at work increased. Other employees noticed a personality conflict existed between the claimant and T.W. At least two other employees, who did not like Talcott's management either, eventually quit in part because of Talcott. These employees verified Talcott showed favoritism and believed a personality conflict also existed between the claimant and Talcott.

The claimant became increasingly frustrated at work because Talcott asked her to change pre-scheduled doctor's appointments. Also, when the claimant came in early to cover for T.W., T.W. did not have to work until the end of the claimant's shift when T.W. covered for the claimant. Problems and levels of frustration increased to the extent that the claimant started a diary of problems or incidents that occurred with Talcott.

The claimant again went to Johnson on July 8 about problems she had with Talcott. Johnson considered the problems the claimant cited as new or different issues with Talcott. The claimant gave Johnson her diary to read on July 16. Based on the information from the claimant's diary and her oral complaints, Johnson talked to Talcott and a physician who knew the claimant. The employer concluded the problems existed primarily because of the way or manner Talcott communicated or did not effectively communicate with the claimant and the way in which the claimant perceived Talcott. The employer decided the two women needed an opportunity to communicate with one another on a weekly basis. Before the employer had an opportunity to address the manner in which the claimant and Talcott would address these issues, Talcott reported the claimant did not follow her directions on July 20, 21 or 22.

On July 28, the employer met with the claimant and Talcott to discuss not only the claimant's concerns, but also to give the claimant a written warning for what had happened on July 20, 21 and 22. While some of Talcott's concerns may have been legitimate, the employer gave the claimant a written warning for failing to follow Talcott's instructions before talking to the claimant. The claimant was taken back by the fact she received a written warning before the employer addressed concerns she had with Talcott. After discussing the problem and talking about ways to resolve the problems, the employer understood the meeting successfully addressed the claimant's concerns and everyone was willing to start fresh to make the claimant's continued employment enjoyable and successful.

On July 30, after the claimant had an opportunity to think about the meeting, she decided nothing had changed from when she had talked to Johnson six months earlier. The claimant was also frustrated that the employer appeared to turn things back against the claimant. On July 30, the claimant submitted her resignation notice indicating she was quitting as of August 20. The claimant

told the employer she was resigning because of the work environment and the problems she experienced while working under Talcott's management style. The claimant's last day of work was August 13, 2004.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. When the claimant gave her resignation notice, she voluntarily quit her employment. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant quits with good cause when she leaves employment because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law, however, presumes a claimant quits without good cause when she leaves employment after being reprimanded or because of a personality conflict with a supervisor. 871 IAC 24.25 (28) & (22).

The evidence establishes the claimant's work environment was not ideal and there were communication problems between the claimant and her supervisor. The problems existed because they both jumped to conclusions that were not intended by the other person. It is understandable that the claimant was frustrated when the employer first gave her a written warning before addressing the concerns she had with Talcott on July 28. The employer may have used poor judgment in failing to address the claimant's concerns in a more timely fashion. The employer's failure to address the claimant's concerns prior to July 28 may have contributed to the problems Talcott reported she had with the claimant on July 20, 21 and 22.

During the July 28 discussion, the claimant did not express any problems with the way in which the employer planned to resolve her concerns. When the claimant resigned on July 30, she decided she would not try to resolve the problems she had identified at work. The claimant established compelling personal reasons for quitting.

The evidence does not, however, establish that the employer required the claimant to work under intolerable or detrimental working conditions. Instead, the claimant decided to quit so did not have to work under a person whose personality or management style conflicted with the claimant. The claimant also quit because the employer gave her a written warning instead of just addressing the concerns she had with Talcott. The claimant quit for reasons that do not qualify her to receive unemployment insurance benefits. As of August 15, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 8, 2004 decision (reference 02) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 15, 2004. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/kjf