IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

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

ANGELA M PYLE
Claimant

COMMUNITY 1ST CREDIT UNION
Employer

APPEAL NO. 11O-UI-13937-HT

ADMINISTRATIVE LAW JUDGE DECISION

OC: 05/22/11
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Angela Pyle, filed an appeal from a decision dated June 17, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 20, 2011. The claimant participated on her own behalf. The employer, Community 1st Credit Union (C1CU), participated by Vice President of Human Resources Valarie Sample and Director of Branch Operations Marion Holmes.

The Employment Appeal Board remanded the matter in an order dated October 21, 2011, for the limited purpose of accepting into the record certain documents and allowing cross examination of them. A hearing was held March 13, 2011. At that hearing the claimant participated and was represented by Bruce Stolze, Jr. The employer participated by Director of Branch Operations Marian Holmes and Human Resources Greg Hanshaw.

Exhibits A through G were admitted into the record.

The administrative law judge allowed more testimony on the issues even though she believed the Board's decision intended to be limited to the admission of the exhibits and cross examination about them. The broader scope was allowed only in order to avoid any further remands of this matter.

ISSUE:

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

FINDINGS OF FACT:

Angela Pyle was employed by C1CU from October 26, 2009 until April 11, 2011 as a full-time teller. She was hired as a part-time teller but, at her request, was transferred to a full-time position at the Albia, Iowa, branch.

Ms. Pyle suffers from a pre-existing condition that makes her more sensitive to stress. The job duties and multi-tasking of her position was increasingly difficult for her, although she did not do any more or less than the other employees at the branch office.

Ms. Pyle went on FML in March 2011. Her schedule return-to-work date was April 11, 2011, according to the employer. The claimant believed her return-to-work date should be April 18, 2011, but she never confirmed that with the human resources director, Valarie Sample. But, she did discuss where she was in the progressive disciplinary policy regarding errors. All employees are subject to the progressive discipline for errors, and Ms. Pyle was on the next-to-last step. If she made any more errors after returning to work, she would be subject to discharge.

On April 11, 2011, the day she was to return to work, she e-mailed a resignation to Ms. Sample and also spoke with her on the phone. She indicated she did not want to return to work and face the possibility of discharge for errors and would be quitting.

The claimant believed the employer had given her the choice of returning to work on April 11, 2011, or resigning. She also had been told by her licensed social worker she should seek other employment. This recommendation was given to her some time before she resigned and she had declined to follow that recommendation because she "needed the job."

Ms. Pyle had sent an e-mail to Director of Branch Operations Marian Holmes on April 5, 2011, in which she stated her belief she would be required to resign if she did not return to work on April 11, 2011. Ms. Holmes forwarded that e-mail to the human resources department, as she was not authorized to make any determination on such issues. The claimant did not receive confirmation or denial of her assertion and, therefore, assumed it to be correct. She also assumed she would be fired if she returned to work and committed another error. In addition, it was her belief the employer was targeting her because her errors had been documented.

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.

The claimant quit because she found the work environment stressful. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Florida App. 1973). The claimant acknowledged her pre-existing condition did make her more sensitive to the fast-paced, multi-tasking required in her job, although other employees in the same position did not have a slower work pace or less multi-tasking. In addition, she had not taken the recommendation of her social worker to quit when it was first presented to her.

She feared she was going to be discharged for any future errors under the progressive disciplinary procedure. While this might very well have occurred if Ms. Pyle had made any further errors, nothing had happened in this regard as of the date she decided to quit. Her assertion she was being targeted is not supported by any evidence, as all employees in a money-handling position had their errors documented and used for disciplinary action. For

some reason, the claimant felt this documentation of such errors of all employees to be "abuse" of some kind but did not offer any explanation for that assertion.

Her other assertions were that there was a high turnover in the branch where she worked. Documentation was presented that three out of nine employees either quit or were discharged during the time Ms. Pyle worked there. But, she has not presented any evidence as to whether this type of turnover was atypical when compared to other banks of a similar size in towns of a similar size and the administrative law judge cannot take this as evidence of any relevant factor in the resignation.

The claimant's testimony was quite definite that she would not have quit had she not believed she would be required to do so if she did not return to work on April 11, 2011. The resignation was therefore not prompted by a recommendation from a health care provider. She feels her written statement asserting this belief to be adequate proof to overcome the employer's denial of any such ultimatum. The administrative law judge cannot agree. Ms. Sample could have been subpoenaed to testify but she was not. Nothing in writing from the employer was submitted to verify Ms. Pyle was given such a choice. In fact, most of the documents written by the employer that were submitted tend to prove the opposite—that Ms. Pyle was expected to return to work and resume her job duties, and April 11, 2011, was the target date which she was many times requested to discuss with the employer but did not.

The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

The claimant objected that all of the requested documents were not subpoenaed in the judge's order of December 7, 2011. This order was issued after a hearing in which both claimant and employer participated on the necessity of the documents. It is within the prerogative of the administrative law judge to grant or deny specific subpoenas after a hearing. In addition it is noted that many of the exhibits offered by the claimant covered matters that were not disputed by the employer and were therefore not admitted, because they were redundant and not dispositive of any issue in dispute.

DECISION:

The representative's decision of June 17, 2011, reference 01, is affirmed. Angela Pyle is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeyer
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw