

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

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CARE INITIATIVES
c/o JOHNSON & ASSOCIATES
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OMAHA NE 68106-6007

Appeal Number: 04A-UI-05721-H2T
OC 05-02-04 R 03
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 is 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 Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 18, 2004, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 17, 2004. The claimant did participate. The employer did not participate. Claimant's Exhibit A was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a dietary service manager/supervisor full time beginning sometime in 1978 through April 28, 2004 when she voluntarily quit. The claimant quit because she did not like the way that Jerry Hynes was treating her. The claimant said that Mr. Hynes was flirting with her and was downgrading to her, would wink at her and watch her work constantly. Mr. Hynes criticized the way that the claimant was performing her job. He wanted her to change the way she was communicating with employees, but the claimant did not want to change because she believed her way was best. The claimant did not agree with the way Mr. Hynes wanted her to run her department. The claimant gave her notice on April 27, 2004 but walked off the job on April 28, 2004 without giving the employer any chance to address her concerns. The claimant alleges that Mr. Hynes was too flirty with her and that he sexually harassed her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2 (amended 1998).

The claimant cannot establish that the Mr. Hynes was sexually harassing her. Her idea that he was flirting with her is unsubstantiated. The employer can require the claimant to discipline employees and to run her department in the way they require. It is clear that the claimant and Mr. Hynes did not get along and that there was a personality conflict between them. The claimant's personality conflict with her supervisor was not good cause attributable to the employer to justify her quitting. Benefits are denied.

DECISION:

The May 18, 2004, reference 01, decision is affirmed. The claimant voluntarily left her 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.

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