

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN P HANSON
Claimant

APPEAL NO. 11A-UI-15238-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEDEX KINKO'S
Employer

**OC: 10/23/11
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed a timely appeal from a representative's decision dated November 16, 2011, reference 01, which held the claimant eligible to receive unemployment insurance benefits. After due notice was issued, a telephone hearing was held on December 20, 2011. The claimant participated personally. The employer participated by Mr. David Williams, hearing representative, and witness Ms. Dawn Johnson, human resource generalist.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: John Hanson began employment with Kinko's on April 6, 1998, and continued to be employed until September 2, 2011, when he voluntarily quit employment. Mr. Hanson last held the position of full-time center manager and was paid by salary. His immediate supervisor was Rosanne Dalton.

Mr. Hanson quit his employment with this employer based upon ongoing issues with his immediate supervisor, Ms. Dalton, after Kinko's had been acquired by FedEx and Mr. Hanson disagreed with numerous policy changes being implemented by the new owners and the manner in which his new district supervisor chose to handle her job responsibilities. Prior to leaving employment, Mr. Hanson had requested and had been granted a "skip meeting," during which he was given the opportunity to air his numerous dissatisfactions. Following the initial skip meeting, Ms. Dalton was informed by the company of Mr. Hanson's statements and the claimant reasonably believed that Ms. Dalton was retaliating against him for complaining. Although the claimant requested a second skip meeting, the second meeting was not granted by the employer.

Mr. Hanson was dissatisfied for numerous reasons, which included Ms. Dalton placing employee performance appraisals on an open calendar, claiming work that Mr. Hanson had done as her own, requiring the claimant to travel in person to management meetings that

otherwise would have been held by telephone, and writing the claimant up for low audit scores when stores with lesser scores were not being written up.

After Mr. Hanson's complaint to the company, Ms. Dalton began to have his store audited every two weeks. At the time of his exit interview, Mr. Hanson indicated only that he was leaving to begin his own business, because he wanted to leave the employment on a positive note and because his previous complaints to management had gone unheeded.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment with good cause attributable to the employer.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. See Iowa Code section 96.6-2. An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaints. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Claimants are not required to give notice of intention to quit due to intolerable or detrimental work environments if the employer had or should have had reasonable knowledge of the condition. See Hy-Vee, Inc. v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2005).

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993).

The evidence in the record establishes that Mr. Hanson's concerns were reasonable and that the claimant had gone to the employer on more than one occasion to inform the company of his dissatisfactions and the reasons for his dissatisfaction. After participating in the first "skip meeting," information about Mr. Hanson's complaints were relayed to his immediate supervisor and the supervisor in turn, it appears, retaliated against the claimant further. A request for a second skip meeting was denied by the company. Upon consideration of the hearing record as a whole, the administrative law judge concludes that the claimant has sustained his burden of proof in establishing that he left employment due to detrimental or intolerable working conditions. Good cause attributable to the employer has been shown. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The representative's decision dated November 16, 2011, reference 01, is affirmed. The claimant quit employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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