

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

LINDA R WORLEY
804 – 28TH AVE
COUNCIL BLUFFS IA 51501

CB SETTLE INN
301 S MAIN
PO BOX 847
ABERDEEN SD 57402-0847

Appeal Number: 05A-UI-07836-HT
OC: 07/03/05 R: 01
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) – Quit

STATEMENT OF THE CASE:

The claimant, Linda Worley, filed an appeal from a decision dated July 25, 2005, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on August 17, 2005. The claimant participated on her own behalf. The employer, Settle Inn, participated by General Manager Thomas Patterson.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Linda Worley was employed by Settle Inn from December 1, 2004 until June 28, 2005. She was a part-time laundry worker.

On June 28, 2005. General Manager Thomas Patterson called a meeting with the claimant, maids Barb Laizure and Ashlie Autera and Head Housekeeper Carrie Mattice. The claimant and Ms. Laizure had been shouting and name-calling at each other in the second floor hallway by the maids' closet. The meeting was to find out what the problem was and how to resolve it. Ms. Worley had earlier complained about Ms. Laizure making comments about her being drunk or on drugs and Mr. Patterson had issued a verbal warning to the other employee. He told the claimant to "avoid confrontations" with Ms. Laizure and told Ms. Laizure to "keep her comments to herself."

At the meeting on June 28, 2005, Mr. Patterson started with Ms. Laizure to determine what each of the participants had to say. After approximately two minutes Ms. Worley stood up and said she "could not take it anymore" and was quitting, then walked out. She understood the purpose of the meeting was to find out what happened and whether the problem between the two employees could be resolved, but decided that "nothing was going to be done." She had previously brought her concerns to the head housekeeper, who did not want to get involved, but could not give any reason why she thought the general manager would not attempt to resolve the problem.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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 of a personality conflict with another employee. She quit during a meeting to discuss the matter because she felt nothing was going to be done. The administrative law judge does not find any basis for this belief on her part, especially considering the meeting was being conducted by the general manager specifically to find out what happened, what the problem was and whether it could be resolved. The claimant refused to allow the employer a reasonable opportunity to address her concerns, choosing to walk out in the middle of a meeting called to address those very concerns. The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The representative's decision of July 25, 2005, reference 01, is affirmed. Linda Worley is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/tjc