

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA K WALLINGFORD
Claimant

APPEAL NO: 13A-UI-08723-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACE INTERNATIONAL INC
Employer

OC: 07/07/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 26, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Reonnia Hailey was available to testify for the claimant, but did not. Leah Sorenson, the manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in December 2010. The claimant worked as a full-time shift manager. Sorenson supervised the claimant. The claimant had considered Sorenson a friend before June 23.

On June 22, the claimant contacted Sorenson to ask if she could have time off to go out-of-state to be with her boyfriend. His mother had been taken to the hospital and he was on his way out-of-town. Sorenson did not grant the claimant's time off request because she had another manager already on vacation. The claimant was upset when she was not granted time off. She sent Sorenson a text message that said she would give her two-week notice if her boyfriend's mother passed away and the claimant was not there with him. The claimant reported to work as scheduled on June 23. She was not scheduled to work on Monday, June 24.

The claimant did not feel well on Tuesday, June 25 and called in sick. On Tuesday afternoon, the claimant learned her boyfriend's mother had passed away on Monday and the funeral was Friday. The claimant called the employer on June 25 and told Sorenson she was leaving. The claimant was upset and was rude when she talked to Sorenson on Tuesday. The claimant was upset because she had not been granted time on Saturday but also because Sorenson had not

called and talked to her about this situation. The claimant thought Sorenson was a friend, not just a boss. After the claimant's phone call, an employee told Sorenson that the claimant noted on Facebook that she was not returning to work and she was done with Sorenson. The claimant only put on Facebook that she was done with Sorenson.

Based on the claimant's June 22 text that she would resign if she was not with her boyfriend if his mother passed away, the claimant's rude conduct when she talked to Sorenson on Tuesday, and the Facebook statement Sorenson had been told the claimant made, the employer accepted the claimant's resignation and no longer considered her an employee after June 25, 2013. Sorenson told managers that before the claimant could pick up her paycheck she needed to return certain items to the employer.

After the funeral on June 28, the claimant stopped to pick up her paycheck. When she learned Sorenson had given this instruction to the manager, she understood she no longer had a job. The claimant was still upset with Sorenson and did not try to contact Sorenson to explain that she had gone to her boyfriend's mother's funeral. If the claimant would have talked to the Sorenson, she may have continued employment.

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, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. Based on the claimant's conduct when she talked to Sorenson on June 25, her June 22 text to Sorenson and her failure to contact Sorenson after she returned on June 28 demonstrate that the claimant intended to quit and did quit. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she leaves because of a personality conflict with a supervisor. 871 IAC 24.25(22). While the claimant established personal reasons for being upset with Sorenson and quitting, the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of July 7, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's July 26, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 7, 2013. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs