

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURA Y DENNIS
Claimant

**PRAIRIE MEADOWS RACETRACK &
CASINO**
Employer

APPEAL 15A-UI-10579-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/23/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 10, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on October 5, 2015. Claimant participated. Employer participated through human resource specialist, Megan Sease. Employer's Exhibit 1 was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a baker from November 24, 2014, and was separated from employment on August 4, 2015, when she resigned.

Claimant resigned because she did not like the way she was treated by her supervisor, Patricia Wagner. Over the course of her employment, Wagner called claimant into her office numerous times to discuss issues regarding her "behavior" and other issues. Claimant believed she was being called into Wagner's office because her co-worker, Shelby, often cried and reported to Wagner things claimant said. Claimant was never formally disciplined over these matters. When Wagner hired a new employee, she told claimant not to talk to the employee. Wagner avoided interacting with claimant at times. Other times, Wagner was friendly with claimant.

In July 2015, employer sent claimant home because she accrued too many attendance points. When claimant returned, she was standing in the kitchen because she was unsure of her assigned job duties. Wagner raised her voice at claimant and told her to get to work on the buffet.

On July 25, 2015, claimant submitted a note stating she was resigning because she was being "pushed out of [her] position" and because she was not being treated "civilly."

On July 28, 2015, claimant reported to human resources that Wagner raised her voice at her and that it seemed like Wagner did not want to interact with her. Employer's human resources department looked into the complaint, but concluded it was unfounded.

On July 30, 2015, claimant reported that Wagner spent two hours in the kitchen talking to an employee. At some point, claimant also reported to the human resources department that her co-worker was aware of the situation with her attendance points and believed Wagner breached her duty of confidentiality as a manager.

On August 4, 2015, employer informed claimant that because of her concerns with Wagner, it was going to accept her resignation immediately and pay her through the duration of her notice period.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(6) and (22) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(6) The claimant left as a result of an inability to work with other employees.

(22) The claimant left because of a personality conflict with the supervisor.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Here, Wagner raised her voice at claimant on one occasion. There is no evidence Wagner used profanity or demeaning language toward claimant. While Wagner addressed many issues with claimant, this is because claimant had difficulty getting along with certain co-workers.

While the situation may have been unpleasant, claimant failed to meet her burden to show it would have been intolerable to a reasonable person.

DECISION:

The September 10, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Christine A. Louis
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Decision Dated and Mailed

cal/pjs