

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY ANN POOLE
Claimant

APPEAL NO. 09A-UI-03037-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NRG MEDIA LLC
Employer

OC: 01/11/09
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Mary Ann Poole, filed an appeal from a decision dated February 13, 2009, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 23, 2009. The claimant participated on her own behalf. The employer, NRG Media, participated by General Counsel Cynthia Lohman, CFO James Smith and Director of Human Resources Vicky Smith.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Mary Ann Poole was employed by NRG Media from March 8, 2005 until August 14, 2008 as a full-time staff accountant. The claimant had complained about Supervisor Carol Painter to CFO James Smith. The supervisor did have a problem communicating appropriately with others, not just her subordinates. She tended to raise her voice, become agitated, and had “poor choice of words.” Mr. Smith had talked to her about this on more than one occasion but never thought the problem had risen to a level which warranted formal disciplinary action.

Ms. Poole submitted a verbal resignation to Mr. Smith July 16, 2008, stating she would be leaving at the end of July or middle of August 2008. She felt her concerns were not going to be addressed by Mr. Smith even though he had spoken with Ms. Painter in the past. There was no specific incident which prompted her decision to quit and her general comment to the employer when she resigned was that she was unhappy in the job, was “taking the work home with her” and was stressed.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21) and (22) provide:

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 section 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 section 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:

(21) The claimant left because of dissatisfaction with the work environment.

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

The claimant quit because of a personality conflict with her supervisor and general dissatisfaction with the work environment. However, there is nothing in the record to establish any of this rose to the level of harassment or an intolerable and detrimental work environment. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973).

The employer did respond to the claimant's complaints regarding the supervisor, but the complaints were not always about the same thing. At no time did Ms. Poole make it clear she would resign unless Ms. Painter was discharged or formally disciplined. There was no specific incident which prompted the decision to resign, only a general dissatisfaction. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of February 13, 2009, reference 01, is affirmed. Mary Ann Poole is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css

