

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRACY L HEDGER
Claimant

REYNOLDS FORD
Employer

APPEAL 16A-UI-06540-NM-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/10/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 7, 2016 (reference 04) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on June 29, 2016. The claimant, Tracy Hedger, participated and testified. The employer, Reynolds Ford, participated through service manager Rich Bell.

ISSUE:

Did the claimant voluntarily quit employment with good cause attributable to the 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 service adviser from April 6, 2016 until this employment ended on May 20, 2016, when she voluntarily quit.

The morning of May 20, 2016, claimant was very busy with different customers coming in to drop off their cars for service. Claimant was helping a customer who had called earlier reporting just two issues, but needed additional problems addressed that morning. Claimant was entering the customer's information into the system very carefully; as she wanted to make sure she got everything done correctly. Claimant was then approached by her immediate supervisor, Kristin Medhurse, who started yelling at her that she needed to hurry up because she was working too slowly. Claimant did not like the way Medhurse was speaking to her and became upset. The conversation ended when claimant told Medhurse she quit and left work immediately. Claimant explained she was particularly concerned with making sure everything was correct because one week prior she had been told by Medhurse that she already had two strikes for making mistakes. Claimant did not like the way Medhurse spoke to her that day and reported this to Bell, but nothing happened.

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(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 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:

(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). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Claimant left her employment because she did not appreciate the manner in which her supervisor spoke to her when she believed she was performing too slowly. While claimant's leaving may have been based upon good personal reasons, it was not for a good cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The June 7, 2016 (reference 04) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld, until such time as she is deemed eligible.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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