

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NANETTE N STREET
Claimant

CDS GLOBAL INC
Employer

APPEAL NO. 14A-UI-07761-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/29/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Nanette Street filed an appeal from a decision of a representative dated July 21, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 19, 2014. Claimant participated. Employer participated by John Noll, Employee Relations; Amy Davis, Computer Operations Manager, and Daryl Campbell, Computer Operations Supervisor.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 1, 2014. Claimant had worked for employer for over 30 years. On or around July 1, 2014 claimant had become frustrated with her supervisor, Daryl Campbell. Mr. Campbell had been a supervisor of claimant for more than the last decade. Claimant stated that supervisor had yelled at her and she felt humiliated by her supervisor. Claimant stated that there had been no incidents in the years she had worked under Mr. Campbell when she'd ever felt unsafe.

Claimant had a technical difficulty that she was attempting to deal with. Claimant told a coworker that she was going to try a specific method to deal with this problem. Claimant's supervisor overheard these statements. He stated that he would fix the matter. Claimant's supervisor stated repeatedly, "How many times do I have to tell you how to deal with this?"

Claimant stated to supervisor, "I'm tired of dealing with your shit. I'm quitting." Claimant then gathered her items and walked out. After she left, claimant attempted to contact Human Resources. When a representative called back, claimant never said she had not intended to quit. Claimant stated to the court that she had not intended to quit. Claimant never told anyone that she spoke with from employer that she wanted to return to the workplace.

At no time after this date did claimant ever request that she be allowed to return to her employment.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was upset with the way she was treated by a supervisor.

The administrative law judge believes that claimant did intend to quit when she left her employment on July 1, 2014 and that her employer accepted that resignation. As her quit was not for good cause attributable to employer, she is not eligible for unemployment benefits.

DECISION:

The decision of the representative dated July 21, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

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