

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WINTER J PACKINGHAM
Claimant

APPEAL NO: 13A-UI-00531-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RES-CARE IOWA INC
Employer

OC: 12/09/12
Claimant: Respondent (2/R)

Iowa Code 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's January 7, 2013 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. The claimant participated in the hearing, with her sister, Jennifer Packingham. Robyn Midyett, the executive director, 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?

FINDINGS OF FACT:

The claimant started working for the employer on August 30, 2012. The employer hired her as a full-time office manager. In early or mid-September the claimant requested to work as a scheduler instead of the office manager. The employer granted this request. L.A., an employee who had done scheduling, trained the claimant. Midyett supervised the claimant.

During a scheduling meeting where issues were to be discussed L. A. yelled at the claimant for not knowing something had to be completed by a certain date. L.A. stormed out of the meeting. The claimant was very upset about the way L.A. talked to her and yelled at her during the meeting. Midyett was at the meeting and the claimant talked to her after L.A. left. After the meeting, Midyett talked to L.A. about what had happened at the meeting. She told L.A. to take time and explain the scheduling process to the claimant.

When caregivers and clients complained about a schedule, L.A. went to the claimant and asked why she had scheduled something a certain way. Once when L.A. accused the claimant of making a mistake, the claimant felt she had followed L.A.'s instructions. While L.A. did not always yell at the claimant for making a mistake, L.A. made the claimant feel stupid when L.A. asked her why she did not know how to do something after she had already been told how to do it.

The claimant went to Midyett in early or mid-October and told her she had problems with L.A. yelling at her. The claimant felt stressed out when L.A. told her she was doing something wrong in a raised voice. Midyett again talked to L.A. Sometime in October, the claimant told Midyett that things with L.A. were getting better. Midyett understood the claimant had felt uncomfortable with L.A.'s demeanor and attitude toward the claimant.

In mid-November the claimant gave the director of nursing her resignation letter. He did not accept it and asked her to continue working so issues could be worked out. On November 30, no specific incident occurred, but the claimant resigned effective immediately because she was unhappy at work. She felt L.A. picked on her. Midyett understood the claimant resigned because of what happened at the staff meeting in September and the claimant felt L.A. demeaned the claimant and co-workers.

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. Iowa Code § 96.5(1). 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 with good cause if she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant quits without good cause when she quits because she is not satisfied with the work environment, has a personality conflict with a supervisor, or leaves after receiving a reprimand. 871 IAC 24.25(21), (22) and (28).

The evidence establishes L.A. reprimanded the claimant for scheduling mistakes she made after clients or co-workers complained. While the reprimand L.A. gave the claimant in a September meeting was not warranted, the employer addressed this issue with L.A. When Midyett asked the claimant in October how things were going with L.A., the claimant told her the situation was better. After this comment, the claimant did not again talk to Midyett about any concerns or problems she had with L.A.

The claimant admitted that L.A. did not always yell at her, but when L.A. talked to her about mistakes the claimant made, L.A. made the claimant feel stupid. The claimant did not appreciate L.A.'s demeanor. Even though the claimant felt stressed because of work, she did not go to a doctor. The claimant was not happy at work and quit on November 30. The claimant quit for compelling reasons, but she did not establish that she quit for reasons that qualify her to receive benefits. As of December 9, 2012, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits she may have received since December 9, 2012, will be remanded to the Claims Section to determine.

DECISION:

The representative's January 7, 2013 determination (reference 01) is reversed. The claimant voluntarily quit her employment for personal reasons, but did not establish she quit for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 9, 2012. 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. An issue of overpayment or whether the claimant is eligible for waiver of overpayment for any benefits she may have received since December 9, 2012, is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/tll