

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LATRICIA STEVENS
Claimant

APPEAL NO. 07A-UI-04634-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**MISSISSIPPI VALLEY REGIONAL
BLOOD CENTER**
Employer

**OC: 04/15/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Latricia Stevens (claimant) appealed a representative's May 2, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Mississippi Valley Regional Blood Center (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 22, 2007. The claimant participated in the hearing. Melanie Derban, the human resource coordinator, and Kevin Campbell, the collection manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 14, 2006. The claimant worked as a full-time phlebotomist specialist/driver. The claimant drove the employer's mobile unit.

During her employment, the claimant had problems working with B., a charge nurse. On March 16, the claimant was scheduled to drive the mobile unit that left at 4:30 a.m. or 5:30 a.m.. The claimant inadvertently overslept. The claimant did not know how to contact B., but after making several phone calls, she obtained B.'s cell phone number. The claimant contacted B. about 15 minutes before they had planned to leave. B. told the claimant that she was not going to wait for her because this was a big drive. What the claimant did was her problem and she would have to deal with it. The claimant was very upset by B.'s treatment. The two of them yelled at one another over the phone. The claimant was very distraught by B.'s treatment and contacted B.'s manager. This manager told the claimant to stay home and calm down.

The claimant followed this suggestion and stayed home on March 16. The claimant was next scheduled to work on Tuesday, March 20. B. gave the claimant a written warning for oversleeping. The claimant did not know Campbell had approved this written warning because B. told him she had told the claimant she would wait 15 minutes for the claimant. B. actually waited 30 minutes and the claimant never reported to work on March 16. B. had another employee drive the mobile on March 16.

On Wednesday, March 21, the claimant worked with several of B.'s friends. The blood drive was at mall. During the day, her co-workers told the claimant exactly what they thought of her when she overslept on March 16. At the end of the day, co-workers usually helped the claimant take the equipment to the mobile unit. When none of her co-workers helped the claimant with the equipment, the claimant talked to the charge nurse, C. The claimant told C. that she understood people were upset with her for what happened on March 16, but she needed her co-workers to help her move the equipment. C. responded by telling the claimant she would talk to the employees. After waiting 30 minutes and no one started to help the claimant, the claimant loaded up the equipment by herself.

When the claimant reported to work on Thursday, the claimant understood C. was going to submit a written report to Campbell about this incident. The claimant then went on a blood drive and did not return until later that night. When the claimant returned she had notes from co-workers in her box. One employee, J., wrote that the claimant was not a team player and she was stuck up. J. told the claimant, "Thanks." Other writers did not sign their name, but made comments that were rude and criticized the claimant. The co-workers' comments upset the claimant a great deal. When the claimant got home she was emotionally distraught. The claimant and her husband started talking about the claimant not returning to work.

On Friday, March 23, the claimant was scheduled to work. The claimant was still emotionally upset with her co-workers and did not want to return to work. The claimant did not return to work because even though she tried to deal with her co-workers' comments and attitudes, she could not handle them. The claimant quit because of problems with her co-workers.

The claimant did not report the problems she had with her co-workers to upper management. The claimant thought she could handle this problem, a bunch of women, by herself and did not want to burden Campbell with one more problem. Campbell had no idea the problems the claimant experienced with her co-workers.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she 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 with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant quits with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The claimant established compelling personal reasons for quitting her employment. In this case, the claimant thought she could handle the "other women's" catty comments and attitudes by herself. The claimant did not give the employer an opportunity to resolve the problem or even notify the employer that there was a problem between the claimant and some of her co-workers. Without notifying the employer about the problems she experienced, the claimant quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. Therefore, as of April 15, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's May 2, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for compelling personal reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 15, 2007. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css