

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLI J KNOKE
Claimant

APPEAL NO: 18R-UI-00948-TN

**ADMINISTRATIVE LAW JUDGE
DECISION**

IA DEPT OF HUMAN SVCS-AREA & COUNT
Employer

OC: 10/15/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kelly Knoke, the claimant filed a timely appeal from a representative's unemployment insurance decision dated November 1, 2017, reference 01 which denied unemployment insurance benefits finding that the claimant voluntarily quit work on September 14, 2017, to go to school. Upon receipt of the claimant's appeal, notices were sent to the party's addresses of record for an in-person hearing in Council Bluffs, Iowa, scheduled for November 16, 2017 and December 1, 2017. Claimant did not appear. On December 15, 2017, an administrative law judge decision was entered affirming the disqualification decision and dismissing the claimant's appeal. Ms. Knoke timely filed appeals with the Employment Appeal Board. By a decision dated January 19, 2018, the Employment Appeal Board remanded the matter to the Appeal Section to schedule and conduct a due process hearing, providing the claimant her appeal rights. In compliance with the Employment Appeal Board's decision, an in-person hearing was scheduled for and held on February 16, 2018 in Council Bluffs, Iowa. Ms. Knoke participated personally. The employer participated by Mr. Sam Krauss, Employer's Edge Hearing Representative (participating by telephone), and in-person witnesses was Ms. Channy Schroeder, Mr. David Dalton and Ms. Shelly Binn. Claimant Exhibit 1, a statement from Amanda Embrey, was read into the record with no objection from the employer.

ISSUE:

The issue is whether the claimant left employment with Iowa Department of Human Services with good cause that was attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds: Ms. Kelly Knoke was employed by the Iowa Department of Human Services from September 2, 2014 until September 21, 2017, when she voluntarily quit employment. Ms. Knoke was employed as a full-time clerk specialist and was paid by the hour. Her most recent supervisor was Ms. Shelly Binn.

Ms. Knoke left her position with the Iowa Department of Human Services after providing a two week notice of her intention to resign. In her written resignation provided to the employer, Ms.

Knoke stated “the reason for my resignation is the discrimination and harassment I had endured from supervisor Channy Schroeder”. Ms. Knoke completed the notice period and left employment on September 21, 2017. After leaving, Ms. Knoke enrolled and attended classes at an educational institution. At the time of the claimant’s leaving, Ms. Knoke was not supervised by Channy Schroeder but supervised by Shelly Binn since December 2016. Ms. Knoke had stated no dissatisfaction with Ms. Schroeder’s supervision during the final months of her employment. The claimant was not being supervised by Ms. Schroeder at the time she chose to leave employment, although Ms. Schroeder had supervised her before Ms. Binn.

Ms. Knoke was dissatisfied with the work environment when Ms. Schroeder had been her immediate supervisor. Claimant believed that Ms. Schroeder had singled her out for disparate treatment and was making the claimant adhere to different employment standards and requirements that were imposed on other workers. Ms. Knoke brought her concerns to the attention of David Dalton and Shelly Binn on a number of occasions while she was under the supervision of Ms. Schroeder. The claimant had been first advised to meet with her supervisor and to increase communication by Mr. Dalton. Mr. Dalton concluded the claimant’s issues with her supervisor to be more in the nature of a personality conflict on the part of the claimant and concluded that Ms. Schroeder was fulfilling management responsibilities as a supervisor in her interactions with the claimant. Ms. Knoke did not further complain, go up the agencies chain of command, or avail herself of a third party outside source that was available to resolve employee disputes.

While under Ms. Schroeder’s supervision, Ms. Knoke had been dissatisfied with decisions made by Ms. Schroeder on a variety of subjects. Claimant believed that Ms. Schroeder had singled her out for a stricter adherence to policies than she had required of other workers. Ms. Knoke had been instructed to wear clothing that conformed with office dress code and told not to dry her hair at work, after she had been observed drying her hair during work hours. On another occasion, the claimant’s former supervisor had suggested that Ms. Knoke had the option of using a chalkboard to note of her lunch times so that others in the office would know when the claimant’s lunch time varied from the norm. On another occasion, Ms. Schroeder had exercised her management judgment to determining whether employees should be allowed to burn or possess scented candles and/or air fresheners in the office. Because of a complaint, Ms. Schroeder had requested the claimant to distinguish a scented candle that she had burning in her area. Ms. Schroeder subsequently requested the claimant remove the candle when she concluded that Ms. Knoke was using a “candle warmer” and the candle continued to emit scents. On another occasion, Ms. Schroeder had concluded that an air work type freshener used by a different employee would not have to be removed but only moved to a different area of the office because it was no longer emitting noticeable scent. These events had taken place prior to December, 2016, when Ms. Knoke began to be supervised by Shelly Binn.

It is the claimant’s position that although there was no final incident that caused her to resign effective September 21, 2017, her dissatisfaction with the way in which Ms. Schroeder had interacted with her and exercised her supervisors responsibilities in the past continued to be stressful to the claimant and made her dislike coming to work each day. Ms. Knoke maintains that although she referenced her desire to go to school during the application process for unemployment insurance benefits, her reason for leaving employment in September 2017 was because of what she considered discrimination and harassment from her previous supervisor.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge in this matter is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.25(26) 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:

(26) The claimant left to go to school.

In the case at hand, the administrative law judge concludes based on the evidence in the record that the claimant's primary reason for leaving employment in September 2017, was her desire to resume her educational pursuits. Ms. Knoke registered for and attending classes at an educational institution shortly after leaving her employment with the Iowa Department of Human Services. At the time she opened her claim she also referenced her desire to resume her education.

Ms. Knoke was also dissatisfied with what she considered to be harassment and discrimination by a previous supervisor. The claimant had been under the supervision of a new and different

supervisor since December, 2016. During the months after the change in supervision, the claimant had not brought any complaints or concerns to the employer about her former supervisor or her current supervisor.

Ms. Knoke remained dissatisfied with the way Ms. Schroeder had enforced agency rules and the way she interacted while doing so.

It was Ms. Schroeder's job as the claimant's immediate supervisor to remind the claimant if she was not following office procedures, and to give disciplinary actions if the unacceptable conduct on the part of the claimant continued. The evidence establishes Ms. Schroeder's responses to the claimant conduct were measured and were reasonable under the circumstances. The administrative law judge concludes that the evidence establishes the claimant was not singled for disparate treatment, discriminated against or personally harassed by Ms. Schroeder, during the time that Ms. Schroeder was her immediate supervisor. Claimant cites no final incident that caused her to leave employment. General dissatisfaction with one's supervisor or the working environment may be a good personal reason for quitting, but not in and of itself good cause for leaving attributable to the employer.

The claimant's general dissatisfaction with the way in which she was supervised in the past, her past dissatisfaction does not establish the claimant had good cause for leaving attributable to the employer when she left employment on September 21, 2017.

The claimant's leaving at that time was for personal reasons that are not attributable to her employer. Accordingly, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and meets all eligibility requirements of Iowa law.

DECISION:

The administrative law judge decision dated November 1, 2017, reference 01 is affirmed. Claimant let work without good cause attributable to employer. Claimant is disqualified to receive benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and meets all eligibility requirements of Iowa law.

Terry P. Nice
Administrative Law Judge

Decision Dated and Mailed

tn/scn