

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORIE J DAHLEEN
Claimant

APPEAL NO. 13A-UI-02397-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WESTERN IOWA NEWSPAPERS INC
Employer

OC: 01/20/13
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Lorie Dahleen, filed an appeal from a decision dated February 20, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 27, 2013. The claimant participated on her own behalf. The employer, Western Iowa Newspapers, participated by Human Resources Coordinator Jeanette Johnson, Publisher Greg Wehle, General Manager Phil Taylor and was represented by TALX in the person of Tracy Taylor.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Lorie Dahleen was employed by Western Iowa Newspaper from June 16, 2004 until January 16, 2013 as a full-time sales representative. Publisher Greg Wehle had left a memo/reprimand on her desk January 15, 2013. It outlined the employer's expectations about her job duties and reminded her again she must fill out a daily sales activity sheet. This last had been discussed with her more than once and she would fill out the reports daily for a while, then lapse into only doing them sporadically. The document also stated, correctly, her sales goals had not been met for the past two months.

Ms. Dahleen became upset and went into Mr. Wehle's office and said she "couldn't do it anymore," and walked out. The letter did not add anything to her duties, merely outlined them more firmly and notified her that her continued failure to perform her duties as required would result in further disciplinary action up to and including discharge. This was the most recent in a series of memos regarding her unsatisfactory work performance.

The claimant felt the employer had taken several accounts away from her. He had taken only one but in return she had been given many local accounts. She felt she was being treated poorly when the publisher would continually encourage her to do her job and require her to perform simple duties such as preparing the daily reports. She did not get along well with the publisher or the other sales people, some of whom were related to Mr. Wehle through an agency owned by his wife.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

871 IAC 24.25(22) and (28) provide:

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.

(28) The claimant left after being reprimanded.

The main reason for the claimant's resignation was the receipt of the reprimand about her work performance. In addition, she could not work successfully with the publisher. The contents of the reprimand did not add any job duties, merely outlined what was needed for her to perform her existing tasks, and notified her improvement was needed. There is nothing incorrect, egregious or inappropriate in a disciplinary action. Under the provisions of the above Administrative Code sections, these are not good causes attributable to the employer and the claimant is disqualified.

The record establishes the claimant quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of February 20, 2013, reference 01, is affirmed. Lorie Dahleen is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css