

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROXANNE V HEROLD
Claimant

APPEAL NO. 11A-UI-11103-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KWIK TRIP INC
Employer

**OC: 07/24/11
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 18, 2011, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 15, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Brooke Trochinski participated in the hearing on behalf of the employer with a witness, Ryan Arnselt. Exhibits A and One were admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked part time as a coworker from January 14, 2008, to July 26, 2011. The store leader, Ryan Arnselt, was her supervisor.

On July 22, the claimant went to the store to see if someone could work for her on July 23 because she wanted to spend time with her sister who was visiting. A coworker, Kim, agreed and it was okayed by the shift leader, Laura Clark. They were unaware that Kim was already scheduled for 40 hours but the hours had not been corrected yet on the schedule.

When Arnselt found out, he called the claimant at home on July 23 and questioned her sharply about her switching with Kim. The claimant insisted that she and Clark had checked the schedule and Kim was only scheduled to work 32 hours at the time. Arnselt said they were both wrong and that he should know because he made the schedule. Arnselt told her that she would need to work for Kim on Monday, Tuesday, or Wednesday to correct things. The claimant told Arnselt that she was in school on Monday and Wednesday, and was already scheduled on Tuesday. Arnselt told the claimant to forget it then.

The claimant had called Clark on Saturday to tell her about the conversation with Arnselt. When she came into work on July 24 she noticed that Kim's hours on the schedule had been changed

from 32 to 47. She showed the schedule to Clark and the assistant store leader and explained what had happened between her and Arnselt.

After the claimant reported to work on July 26, Arnselt approached the claimant and told her he did not appreciate her going behind his back and talking to other employees about the scheduling situation. They went back and forth about whether Arnselt had called the claimant and Clark liars. The claimant told Arnselt that the previous store leader would never have called employees at home to find out why they needed time off. Arnselt replied that he was now the store leader and that was too bad.

At that point, the claimant decided to quit her job and told Arnselt he could have her job. Arnselt replied whatever. The claimant proceeded to leave the building. The claimant quit employment because she was upset by Arneselt's treatment of her in regard to the schedule change.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The rules conclude that a claimant who quits due to intolerable or detrimental working conditions quits with good cause attributable to the employer.871 IAC 24.26(4). On the other hand, a claimant who quits work because of a personality conflict with the supervisor is considered to have quit employment without good cause. 871 IAC 24.25(22). I do not believe the evidence establishes intolerable working conditions in this case, and it seems that the claimant had a personality conflict with Arnselt. I believe Kim was in fact supposed to work 40 hours during the workweek but the additional hours had not been added to the schedule yet. But I also believe the claimant and Clark thought Kim only had 32 hours when they talked about Kim working for the claimant. Arnselt perhaps could have been less harsh in his comments to the claimant, but I conclude his treatment of the claimant was not intolerable or detrimental.

DECISION:

The unemployment insurance decision dated August 18, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs