

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE M BEAL
Claimant

APPEAL NO. 11A-UI-03033-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLLAR GENERAL
Employer

OC: 01/23/11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 7, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant 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 in July 2007. She worked as a full-time third key manager. In early October 2010, the claimant understood the store manager would request that she be promoted to the assistant manager position because the previous assistant manager left. The district manager had to approve this promotion. In late October, the claimant learned she would not become the assistant manager because the district manager wanted to hire someone from outside for this position. In late October 2010, a new employee was hired to work as a cashier.

In January 2011, when the claimant was on a medical leave, the district manager made the employee who started in October as a cashier the new assistant manager.

When the claimant returned to work in late January 2011, no one told her about the new employee's promotion. Although no one told her, she learned the new employee had been made the assistant manager. The claimant was upset that a new employee had been "leapfrogged" over the claimant.

On January 27, the claimant told the store manager that the district manager had three days to clean up the mess he made by deciding to bypass the claimant for the assistant manager position and giving it to a new employee. The district manager's decision to bypass the

claimant as an assistant manager was the last straw for the claimant. The claimant did not work for the employer after January 27, 2011.

During her employment, the claimant had problems getting along with the manager. Although the manager did not reprimand the claimant, the claimant understood she wanted to get rid of all the employees who had been working before she became the manager 18 months earlier. During her employment, the claimant asked to be transferred to another store, but this did not happen.

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 voluntarily quits without good cause when she leaves because of a personality conflict with a supervisor. 871 IAC 24.25(22). The claimant quit in part because she had some problems getting along with her supervisor. The primary reason she quit was because the district manager promoted a new employee over the claimant. The claimant established personal reasons for quitting. These reasons do not, however, qualify her to receive benefits. As of January 23, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's March 7, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 23, 2011. 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/kjw