

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRIE MARSHALL
Claimant

APPEAL NO: 10A-UI-04647-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMMUNITY CARE INC
Employer

OC: 02/21/10
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Sherrie Marshall (claimant) appealed an unemployment insurance decision dated March 15, 2010, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Community Care, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 11, 2010. The claimant participated in the hearing with Attorney Elizabeth Flansburg. The employer participated through Ginger Pingel, Human Resources Assistant Director; Carol Wells, Human Resources Director; Barb Adam, Director/Supervisor; and Renee Rozenboom, Office Manager. Laura Christianson, Human Resources Generalist, was present but offered no testimony. 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:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time registered nurse/director of nursing from November 20, 2008 through February 12, 2010. She voluntarily quit due to numerous issues but the "final straw" was that she was reportedly told by her supervisor that she would not get paid for jury duty. The supervisor testified she told the claimant she did not know if she would get paid for jury duty. However, the claimant was advised she would be paid for jury duty before she quit but it made no difference.

The claimant was upset that she was not offered benefits until November 2009 but she was getting benefits at the time she quit. She was upset because she felt her supervisor treated others unfairly but admitted the supervisor treated her in a fair manner. The claimant was upset with medication issues and complained to the Iowa Department of Inspections and Appeals

after she quit. She was in control of many issues during her employment but never mentioned any problems while working and never took steps to correct any problems.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

Iowa Code § 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) 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 § 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 § 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.

The claimant's separation from employment appears to be personal in nature. She said she quit because she was not going to get paid for jury duty but knew before leaving that she was going to get paid for it. She said she quit because she did not receive benefits until November 2009 but after that date and up until the time she quit, she was receiving benefits. The preponderance of the evidence confirms she quit her employment because of a personality conflict with her direct supervisor. The employer asked the claimant to meet with the supervisor to talk things out but the claimant refused and opted to quit instead.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated March 15, 2010, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css