

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTIN C EASTON
Claimant

APPEAL NO: 18A-UI-09081-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIRST RESOURCES CORP
Employer

OC: 08/12/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 29, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 18, 2018. The claimant participated in the hearing. Humphrey Mwangi, Director of Human Resources; Elena Ellington, Habilitation Supervisor; and Lindsey Paxton, Director of Mental Health; participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time habilitation worker for First Resources Corp. from January 4, 2018 to August 10, 2018. She voluntarily left her employment because of a personality conflict with her supervisor.

At the beginning of May 2018, Elena Ellington became the claimant's supervisor. The claimant's position was independent and her hours were flexible due to the nature of the work. The employer held one-on-one meetings with employees to maintain contact with them and keep track of their work.

The claimant was intimidated by Ms. Ellington but did not mention her feelings to Director of Human Resources Humphrey Mwangi or Director of Mental Health Lindsey Payton. The claimant tried to speak to Ms. Ellington about her feelings but felt Ms. Ellington took her comments personally and became defensive.

The claimant was upset because Ms. Ellington sometimes called her in to meet at times different than the one-on-one schedule and that caused the claimant anxiety. The reason Ms. Ellington did so, however, is that the claimant often missed the scheduled one-on-one meetings.

The claimant felt Ms. Ellington was “micro-managing” her. She was called into the office with Ms. Ellington, Mr. Mwangi and Ms. Paxton to discuss whether she falsified documents, a charge the claimant denied. The claimant argued that for Ms. Ellington to even catch her error she had to be micro-managing her.

Ms. Ellington contacted the claimant August 6, 2018, when the claimant was on vacation because she was the only one who knew where a client’s checkbook was located and the client needed his checkbook. The claimant was extremely upset because the employer contacted her while she was on vacation even though she had the checkbook.

The “final straw” for the claimant occurred when she felt the employer “took away the tools” she needed in order to do her job because the employer told her she could not work weekends any longer without permission to work overtime. The claimant never requested to work overtime.

On August 10, 2018, the claimant emailed Mr. Mwangi and Ms. Paxton and stated she was willing to move to another position but did not want to return to work with Ms. Ellington as her supervisor. A meeting was scheduled but the claimant felt intimidated so she cancelled the meeting and voluntarily quit her job. She wanted the employer to offer to move her to another position but the employer accepted her resignation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant

has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant had a personality conflict with Ms. Ellington and took exception to Ms. Ellington's actions taken in the course of performing her job as the claimant's supervisor. The claimant objected to Ms. Ellington calling her in for meetings but that occurred because the claimant failed to attend her scheduled one-on-one meetings with Ms. Ellington. The claimant was also upset that Ms. Ellington called her when she was on vacation. The claimant accidentally took a client's checkbook, however, and it was not unreasonable for Ms. Ellington to call the claimant under those circumstances.

The employer offered explanations for each of the items the claimant complained about regarding Ms. Ellington. While unfortunate, the claimant had a personality conflict with Ms. Ellington and she has not demonstrated that her leaving was for unlawful, intolerable or detrimental working conditions as required by Iowa law. Therefore, benefits must be denied.

DECISION:

The August 29, 2018, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn