

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CLARENCE R LEE**  
Claimant

**APPEAL NO. 08A-UI-08323-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IWLB LLC**  
**WOODLAND APARTMENT**  
Employer

**OC: 07/06/08 R: 04**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Clarence Lee, filed an appeal from a decision dated September 8, 2008, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 1, 2008. The claimant participated on his own behalf and with witness Sam Lira. The employer, IWLB LLC, participated by Manager Bernadette Chandler.

**ISSUE:**

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

**FINDINGS OF FACT:**

Clarence Lee was employed by IWLB from October 22, 2007 until May 9, 2008 as a full-time maintenance person. Manager Bernadette Chandler had told both the claimant and the other maintenance person, Sam Lira, that the company was operating on a very tight budget. As a result, it could not afford to pay overtime and the workers were given time off instead of overtime. The claimant acquiesced in this. In addition, the employer could not keep a large supply of parts and materials on hand, which meant either the manager or the maintenance workers would have to make special trips to purchase needed items.

On May 9, 2008, there was a plumbing job that needed to be done and the claimant told Ms. Chandler what he needed, and she and Mr. Lira went to the hardware store to get it. What was purchased was not the correct item, and so Ms. Chandler and Mr. Lee went back to the hardware store together. On the trip, the two disagreed about how the job was being handled, with both feeling the other was at fault for the wrong supplies being purchased. The claimant finally left the car, saying he was “out of there” and telling the manager she was not going to “tell him what to do” and he “did not have to take this for a measly \$10.00 per hour.” He walked back to the apartment complex, packed his things, and left.

**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) 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.

It is apparent both Mr. Lee and Ms. Chandler are individuals with strong personalities and very definite ideas about how the business should be run and how maintenance should be performed. This resulted in the acrimonious exchange as to who was at fault and caused a second trip to the hardware store to be necessary on May 9, 2008. Nonetheless, the claimant was subject to the orders of the manager and his refusal to accept direction from her constitutes insubordination. He was paid for any time he had to travel or wait for the manager to bring supplies and was paid for all hours he worked. His disagreement with the manager, and the resulting personality conflict, does not constitute good cause attributable to the employer for quitting and the claimant is disqualified.

**DECISION:**

The representative's decision of September 8, 2008, reference 02, is affirmed. Clarence Lee is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw