

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JONI L PAINE
Claimant

APPEAL NO. 07A-UI-10178-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHITE DRUG ENTERPRISES INC
c/o **THRIFTY WHITE STORES**
Employer

OC: 09/16/07 R: 01
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Joni Paine filed an appeal from a representative's decision dated October 22, 2007, reference 01, which denied benefits based upon her separation from White Drug Enterprises, Inc. After due notice was issued, a hearing was held by telephone on November 20, 2007. Ms. Paine participated personally. The employer participated by Rick Munday, Store Manager.

ISSUE:

At issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from October 23, 2000 until September 16, 2007, when she voluntarily quit employment. Ms. Paine was employed as a full-time hourly worker and was designated as a "key carrier." The claimant's immediate supervisor was Mr. Rick Munday.

Ms. Paine quit her employment with the captioned company due to general dissatisfaction with the demeanor of other employees, changes in job assignments and the unwillingness of the store manager to intervene on the claimant's behalf in disputes with other workers.

The claimant had become increasingly dissatisfied during the final months of her employment. She felt that she had not been given enough respect by a temporary pharmacy technician and because other workers had made assessments or statements that the claimant did not agree with. Ms. Paine was also dissatisfied as she had not been hired in the position of pharmacy technician by the company. The claimant believed that the store manager should intervene on her behalf and hold store meetings to redress Ms. Paine's dissatisfactions. The store manager, who was required to oversee other operations in the company, had concluded based upon his observations that the claimant's perception of her treatment by other employees may have been exaggerated and believed that in general the store was operating in an efficient and acceptable

manner. The store manager had considered Ms. Paine for the pharmacy technician position, however, another candidate had been chosen. Although Mr. Munday had agreed to meet with the claimant on September 16, 2007 to review her dissatisfactions, the claimant did not meet with Mr. Munday but instead left a letter of resignation effective immediately.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge in this case is whether the evidence establishes good cause for the claimant quitting employment for reasons that were attributable to the employer. It does not. The evidence in the record establishes that although the claimant had become increasingly dissatisfied because of perceived treatment by other employees, company management believed that the claimant's perception of treatment was exaggerated and that the store was operating in an efficient and acceptable manner. The manager had considered Ms. Paine for an open position as a pharmacy technician, however, another candidate had been chosen. After reviewing the claimant's areas of dissatisfaction, the manager generally believed that they were unfounded but nevertheless was willing to meet with Ms. Paine the next working day on September 16, 2007. The claimant, however, chose not to meet with Mr. Munday but instead submitted a letter of resignation effective immediately.

871 IAC 24.25(6), (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:

- (6) The claimant left as a result of an inability to work with other employees.
- (22) The claimant left because of a personality conflict with the supervisor.

For the reasons stated herein, the administrative law judge concludes that while the claimant's decision to leave employment may have been a good decision from a personal viewpoint, the claimant's reasons do not establish good cause attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated October 22, 2007, reference 01, is hereby affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer.

Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly job insurance benefit amount, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs