

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MISTI M CERIANI

Claimant

APPEAL 15A-UI-00133-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MJK PLANNING GROUP

Employer

OC: 11/30/14

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 19, 2014 (reference 01) unemployment insurance decision that denied benefits based upon her separation. The parties were properly notified about the hearing. A telephone hearing was held on January 28, 2015. The claimant participated and had a witness, Lacey March. The employer participated through John Keane. Mike Keane and Sherri O’Hern also testified.

ISSUE:

Did the claimant voluntarily resign with good cause attributable to her employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part time as an administrative assistant and was separated from employment on December 4, 2014 when she voluntarily resigned without notice. Continuing work was available.

On December 3, 2014 the claimant was approached by one of her supervisors, John Keane. While discussing her work progress for the day, he became upset. He raised his voice so that co-worker Sherri O’Hern could hear from five feet away in the lunch room. In his raised voice he said “What have you done for me today? I want to know what you did.” The claimant became upset and starting crying. Mr. Keane apologized. He apologized again via text message that night. The next day, the claimant returned to work and resigned based on the incident from December 3, 2014. Prior to resigning the claimant had told Mike Keane she did not think John Keane liked her because he was unresponsive to her emails and text messages.

Testimony from a former employee, Lacey March, was that she never had a problem with John Keane but saw him sometimes mumble under his breath and shake his fist when walking away. Current employee Sherri O’Hern heard the exchange between the claimant and John Keane but never has had a similar encounter while employed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(21) and (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:

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Credible evidence provided by both the claimant and the employer confirm that on December 3, 2014 John Keane approached the claimant and raised his voice. He stated "What have you done for me today?" in frustration to the claimant's work production. As soon as the claimant began crying, he stopped and began apologizing. He continued to apologize via text message that evening. While Mr. Keane's conduct that day was unnecessary and unprofessional to his support staff, sufficient evidence was not provided to substantiate that this was an ongoing behavior or that it was so intolerable that a reasonable person would leave their job without notice. The claimant's decision to quit because she did not get along with the supervisor was not for a good cause reason attributable to the employer. Benefits are denied.

DECISION:

The December 19, 2014 (reference 01) decision is affirmed. The claimant voluntarily left the 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.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/can