

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STACY MOORE**

Claimant

**APPEAL NO: 15A-UI-05439-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEST BUY STORES LP**

Employer

**OC: 04/19/15**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 4, 2015, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 11, 2015. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**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 appliance supervisor for Best Buy from August 29, 2013 to April 24, 2015. She voluntarily left her employment because of dissatisfaction with the work environment and one co-worker in particular.

In November 2014 cell phone supervisor Kevin Wolfe “yelled and screamed” at the claimant on the phone after a customer who ordered 12 to 14 televisions from the claimant cancelled the order. It was Mr. Wolfe’s day off but he texted the claimant several times about the situation and when the claimant called him back he yelled at her and the claimant stated she did not deserve to be talked to in that manner and it was inappropriate. She also said he should not treat people that way especially when she was at work and he was not and he did not have anything to do with the transaction. The claimant complained to the assistant store manager who informed the store manager of the situation but no action was taken against Mr. Wolfe to the claimant’s knowledge.

The claimant was also upset in November/December 2014 because both of her grandmothers were in the hospital and her father was suffering from severe depression. She notified the store manager of the situation and she indicated she understood and stated if the claimant needed time off to let her know and it would not be a problem. When the claimant was absent for those

reasons, however, she felt the store manager “harassed” her by stating she needed to provide a doctor’s note to human resources even though the employer’s policy did not require employee’s to supply doctor’s notes. The claimant also contracted pneumonia around the same time and was sent home by the assistant store manager. After she was gone for approximately two days the store manager asked her when she was coming back.

In March 2015 the employer reevaluated all employees’ hours and Mr. Wolfe asked for, and received, every Sunday off. The claimant was upset by that decision because it was unusual for any employee to have a weekend day off. She was also upset because Mr. Wolfe, a Geek Squad employee and an appliance associate, “laughed and joked” that the claimant had a “resting bitch face.”

Toward the end of the claimant’s employment her stomach bothered her before she had to go to work. She was not included in the headset conversations as a supervisor to be consulted about various issues and did not feel part of the management team. She was not notified of a management meeting in April 2015. She was afraid of Mr. Wolfe and felt insignificant at work because Mr. Wolfe began “shutting her out” of the management team and other managers followed his lead.

On April 24, 2015, the claimant called the store manager and stated she “couldn’t handle the atmosphere anymore” and she was not coming back. She was still upset about the incident with Mr. Wolfe in November 2014 and the manager challenging her time off due to the health issues she and her family were experiencing in November/December 2014.

#### **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 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.

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 was most dissatisfied with the work environment because of Mr. Wolfe’s behavior. While the claimant was upset by Mr. Wolfe, and occasionally the store manager, and their actions at times were inappropriate and unprofessional, the events that occurred as described by the claimant, while sometimes hurtful and annoying, were not unlawful, and do not rise to the level of intolerable or detrimental as required to be considered a voluntary leaving due to good cause attributable to the employer. Although the claimant felt tension at work and often felt ill before work, she did not have any evidence that a medical professional advised her to quit her job due to health concerns.

The administrative law judge understands the claimant worked with at best an upsetting co-worker who made going to work for the claimant unpleasant. However, unpleasant co-workers can be found in most workplaces. Consequently, the administrative law judge must conclude that the claimant has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

**DECISION:**

The May 4, 2015, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css