

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JENNIFER J MANSFIELD
Claimant

APPEAL NO. 18A-UI-09410-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP LLC
Employer

OC: 08/19/18
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jennifer Mansfield (claimant) appealed a representative's September 6, 2018, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Dolgencorp (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 27, 2018. The claimant participated personally. Andrea Cross, former co-worker, and Joslin Mansfield, the claimant's daughter, testified on behalf of the claimant. The employer participated by Jeff Van Velzen, District Store Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 1, 2016, as a full-time assistant store manager. The claimant and her store manager did not get along because the store manager reprimanded the claimant in the presence of others. Other times the store manager did not talk to the claimant. The claimant did not report the situation to her district manager or the employer's human resources department.

On August 16, 2018, the claimant talked to the store manager two times after the claimant's aunt passed away on the couch in the claimant's home. The claimant reported her situation and her absence for her shift. The store manager disconnected the conversation both times. On August 16, 2018, the claimant reported the events of the day to her district manager. On August 17, 2018, the claimant went to the store when the store manager was absent and placed her keys on the office desk. The claimant told the manager on duty that she could not take it anymore and she was done. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 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.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told her co-worker she was leaving and quit work.

The law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). Employee who receives reasonable expectation of assistance from employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. *Polley v. Gopher Bearing Company*, 478 N.W.2d 775 (Minn. App. 1991). The claimant never notified the employer of any issues regarding her working conditions. The employer was unable to help the claimant because she did not request assistance.

When an employee quits work because she has a personality conflict with the supervisor, her leaving is without good cause attributable to the employer. The claimant left work because she had a personality conflict with the store manager. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's September 6, 2018, decision (reference 01) is affirmed. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs