

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAYLA K PAYNE

Claimant

APPEAL NO: 13A-UI-07657-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PILOT TRAVEL CENTERS LLC

Employer

OC: 06/02/13

Claimant: Respondent (2/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's June 20, 2013 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. The claimant participated in the hearing. Judd Huff, the general manager, and Daniel Owens appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in April 2010. The claimant worked full time as a coffee host. The claimant was working at the employer's smaller store when the employer asked if she would transfer to a larger store, Huff's store. The claimant agreed to transfer if the employer would allow her to return to the smaller store if she did not like Huff's store. The claimant started working at Huff's location in mid April 2013.

The first week at Huff's store, the claimant reported that A. made an inappropriate racial comment. Huff talked to A. The claimant did not get along with A. and other employees at Huff's store. The claimant did not appreciate employees at the new store telling her how to do her job when the claimant already knew how to do her job. The claimant stopped talking to her new co-workers.

Within a short time of working at Huff's location, the claimant told Huff she felt out of place because his employees mistreated her, harassed her and acted upset at anything she said. After the claimant stopped talking to her co-workers, except for work reasons, her co-workers concluded the claimant had an attitude and was difficult to work with. A number of times the claimant told Huff that she did not like working at his store. Huff told his supervisor that the claimant was not happy working at his store, but management wanted the claimant to try and make this transfer work.

On June 3, 2013, after working about six weeks at Huff's location, Huff noticed that the claimant was upset. When they were in the backroom, he asked the claimant if she was okay. The claimant told Huff she felt mistreated and wanted to go back to the other store. The claimant felt she was not being treated fairly. The claimant acted agitated and Huff did not know why. He asked if she wanted to go home to cool off and come back the next day. The claimant became more upset and made a comment that W.S. was a liar and that Huff was a poor manager. Huff responded by telling the claimant that before she had the option to go home, but now he was telling her to go home for the day. The claimant left and did not return.

After the claimant left Huff's store, she talked to her previous manager. She then learned she would not be allowed to go back to her old store then. The claimant did not return to work when she would not be immediately transferred back to her old job.

The claimant established a claim for benefits during the week of June 2, 2013. The claimant has filed for and received benefits since June 2, 2013.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she left employment for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she leaves because she is not satisfied with the work environment or because of an inability to work with other employees. 871 IAC 24.25(21)(5). The law also presumes a claimant quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4).

The claimant did not have a friend at Huff's location. She had problems getting along with her new co-workers. The claimant resented her new co-workers telling her how to do her job. The claimant assumed her new co-workers talked about her behind her back. Instead of trying to make new friends, the claimant shut out people by refusing to talk to co-workers.

The claimant was frustrated with her situation and wanted to transfer back to her old store. While Huff told management that the claimant was not happy and wanted to transfer back, management wanted the claimant to stay at the new store and give the transfer a chance before transferring her back. The claimant's frustrations and dislike of working at Huff's store erupted the morning of June 3 when Huff talked to the claimant. He knew she was upset and gave her an opportunity to go home and come back the next day with a better attitude. After the claimant made unflattering comments about Huff and W.S., Huff sent her home for that day. Before the claimant went home, she talked to another manager and learned she would not be immediately transferred back to her old store. The claimant then decided she would not return to work and quit.

The claimant quit for personal reasons, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of June 2, 2013, the claimant is not qualified to receive benefits.

Since the claimant has received benefits since June 2, issues of overpayment of benefits and whether the claimant will be required to pay back any overpayment of benefits will be remanded to the Clams Section to determine.

DECISION:

The representative's June 20, 2013 determination (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 2, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

The issues of overpayment and whether the claimant will be required to pay back any overpayment of benefits is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs