

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RONUIQUE DIXON
Claimant

D OF S FOODS INC
Employer

APPEAL 20A-UI-13346-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (1/R)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Ronuique Dixon (claimant) appealed a representative's October 21, 2020, decision (reference 02) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the D of S Foods (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 21, 2020. The claimant participated personally. The employer participated by Joshua Hutt, Operations Supervisor.

20A-UI-13346 and 20A-UI-13347 were heard at the same time. The administrative law judge took official notice of the administrative file.

ISSUE:

The issues include 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 August 14, 2019, as a full-time kitchen manager. She signed for receipt of the employer's handbook on August 14, 2019.

The claimant had worked for the McDonald's restaurant with a different owner for years. She enjoyed her previous manager and was willing to work additional hours. The claimant was scheduled to work 5:00 a.m. to 11:00 a.m. but stayed and worked to 1:00 p.m. Near the end of her employment, her general manager was Paris. The claimant did not appreciate Paris's management decisions. The two had a meeting with the operations supervisor to discuss the claimant's issues with following Paris's instructions.

At the beginning of May 2020, the claimant thought it was not right of General Manager Paris to expect her to work to 1:00 p.m. and told her general manager this. When General Manager Paris started reducing the claimant's hours, she filed for unemployment insurance benefits.

On or about May 18, 2020, the employer heard the claimant talking loudly and swearing while having a personal conversation on her phone on the work site. On May 21, 2020, the employer approached the claimant with a written warning regarding that inappropriate behavior. The claimant would not sign the warning and wanted to speak with the operations supervisor. On May 22, 2020, the claimant had a conversation with General Manager Paris about whether a worker should quarantine. The claimant left work and did not return. A manager returned with the claimant's keys. The general manager attempted to contact the claimant but she would not answer calls. Continued work was available with the employer had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of May 3, 2020. Her weekly benefit amount was determined to be \$270.00. The claimant received benefits from May 24, 2020, to the week ending August 29, 2020. This is a total of \$3,562.46 in state unemployment insurance benefits after the separation from employment. She received \$1,890.00 in Pandemic Emergency Unemployment Compensation. She also received \$5,400.00 in Federal Pandemic Unemployment Compensation for the nine-week period ending July 25, 2020. For the three-week period ending May 23, 2020, the claimant reported wages of \$300.00 per week or more. She reported no wages as of May 24, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons 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) and (28) provide:

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.

(28) The claimant left after being reprimanded.

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 actions. She walked off the job, returned her keys, and quit work.

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

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

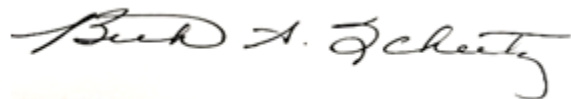
The issue of whether claimant has been overpaid unemployment insurance benefits, Pandemic Emergency Unemployment Compensation, and Federal Pandemic Unemployment Compensation is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.

DECISION:

The representative's October 21, 2020, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

The issue of whether claimant has been overpaid unemployment insurance benefits, Pandemic Emergency Unemployment Compensation, and Federal Pandemic Unemployment Compensation is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



Beth A. Scheetz
Administrative Law Judge

January 6, 2021
Decision Dated and Mailed

bas/mh