

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBIN L HAMMEN**  
Claimant

**APPEAL NO. 07A-UI-06585-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MCDONALDS OF FORT DODGE #17678**  
Employer

**OC: 05/06/07 R: 01  
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

McDonalds of Fort Dodge #17678 (employer) appealed a representative's June 26, 2007 decision (reference 03) that concluded Robin L. Hammen (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant voluntarily quit her employment for reasons that qualified her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 18, 2007. The claimant participated in the hearing. Corey Kasch, the franchisee, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

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

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on May 20, 2006. The claimant worked as a full-time shift manager.

During her employment, the claimant did not like the way the store manager managed or treated employees, including the claimant. The claimant considered the store manager's management style belittling, embarrassing, and harassing. If the store manager saw a problem, she yelled at employees in front of other employees and customers. The way the store manager treated employees greatly bothered the claimant. Even though Kasch was present on days the claimant worked, she never told him how badly the store manager treated employees and the claimant. The claimant never told Kasch that the way the store manager treated the claimant and others greatly bothered the claimant.

From April 26 through 29, the claimant was hospitalized. The claimant gave the employer a doctor's statement indicating she could return to work on May 2, 2007. When the claimant was hospitalized, her doctor advised the claimant to look for another job because the stress of working for the employer was too much for the claimant to handle. After the claimant was released from the hospital, she went back to work one day, May 2.

On May 2, the claimant concluded the store manager tried to ignore the claimant and acted as though the claimant was not at work. The claimant decided she could not return to work. The claimant obtained a doctor's statement dated May 5. The statement indicated the claimant's doctor advised the claimant on April 30 to terminate her employment for her mental health. The employer received this information on May 11 or 12.

The claimant established a claim for unemployment insurance benefits during the week of May 6, 2007. The claimant filed claims for the weeks ending May 12 through June 23, 2007. She received \$273.00 in benefits during these weeks.

#### **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 quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause if she quits because of a personality conflict with a supervisor. 871 IAC 24.25(22). The law also presumes a claimant voluntarily quits employment with good cause if the claimant quits because of a medical condition that is created or aggravated by the employment and the claimant's doctor advises her to quit. To be eligible to receive benefits, the claimant must inform the employer about her health problems and if the employer does not make reasonable accommodations the claimant will quit. 871 IAC 24.26(6)(b).

The facts establish the claimant's work environment created a great deal of stress for the claimant. Even though the claimant did not like the way the store manager treated her or other employees, the claimant never told Kasch about any of her concerns. The store manager's managerial style created stress-related problems for the claimant. The claimant's physician even advised the claimant to quit this employment because it resulted or aggravated health issues for the claimant. To be eligible under 871 IAC 24.26(6)(b), the claimant must advise the employer prior to quitting about the health-related problems and that she may quit if the employer does not make reasonable accommodations. In this case, Kasch had no idea about the claimant's health problems or that she attributed her problems to the store manager. Since the claimant never told Kasch about any of her concerns, the claimant did not satisfy the requirements of 871 IAC 24.26(6)(b).

The claimant established compelling personal reasons for quitting because she did not get along with the store manager or like her managerial style. The claimant's reasons for quitting do not, however, establish that she quit for reasons that qualify her to receive unemployment insurance benefits. As of May 6, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for

the weeks ending May 12 through June 23, 2007. The claimant has been overpaid \$278.00 in benefits she received for these weeks.

**DECISION:**

The representative's June 26, 2007 decision (reference 03) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 6, 2007. 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 claimant is not legally entitled to receive benefits for the weeks ending May 12 through June 23, 2007. The claimant has been overpaid and must repay a total of \$278.00 in benefits she received for these weeks.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/kjw