

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDALL H GORMAN**  
Claimant

**APPEAL NO. 11A-UI-10843-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MORMON TRAIL COMMUNITY  
SCHOOL DISTRICT**  
Employer

**OC: 07/10/11**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Randall Gorman, filed an appeal from a decision dated August 10, 2011, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 12, 2011. The claimant participated on his own behalf. The employer, Mormon Trail Community School District (MTCSD), participated by Business Manager Linda Lovett and Superintendent Alan Miller.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Randall Gorman was employed by MTCSD from August 16, 2010 until May 31, 2011 as a full-time high school instructor. He resigned by submitting a written resignation to Business Manager Linda Lovett and the board of education as a whole. He did not indicate any specific reason for quitting.

His major concern was a personality conflict with the principal of the high school. He disagreed with her policies and procedures and felt threatened when, at a meeting, she told him he must abide by the disciplinary policy set out by the school district or she would write him up for insubordination. He did receive one written warning in March 2011 when a parent filed a complaint against him after a student/parent/teacher conference. Mr. Gorman was unhappy that the principal would not allow him to review her private file of meeting notes and other matters she kept on him and all other teachers in the high school. He was free to review his official personnel file kept with the district but he wanted to see her file and she refused. The employer acknowledged the principal had kept such a file but it was neither official nor binding in any way on the district, which was Mr. Gorman's employer.

The claimant disagreed that the principal had overturned a three-day out of school suspension he had levied on a student and changed it to an in-school suspension, but this was within her

authority under the district policies. He was also unhappy that when his son, in elementary school, had been threatened by another student in December 2010, that the district did not take more action against the other student. The principal had also given him an evaluation during the spring semester which graded his teaching skills as average.

Mr. Gorman was notified that his teaching contract for 2011-2012 school year would remove him as dean of students. This meant a pay reduction of approximately \$1,500.00 per year. His regular salary was approximately \$30,000.00 to \$40,000.00 per year.

The final incident was when he learned the principal would be allowed to continue in that capacity for the next school year. He had told the president of the school board he had objections to the principal but it does not appear that he filed any formal grievance with the board of education or the school board. His comments to the president appear to have been largely complaints rather than formal notification of grievance.

### **REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

The quit because of a personality conflict with his supervisor, the principal of the high school. This, along with the "average" evaluation, her refusal to allow him to review her personal notes, and his disagreement with her modification of discipline he imposed made him unwilling to continue as an instructor while she was principal.

His removal as dean of students meant not only fewer job responsibilities but a minor reduction in his yearly salary. This would not constitute a substantial change in the contract of hire under 871 IAC 24.26(1).

Overall the claimant's decision to quit was because he disliked the principal and felt harassed when she would counsel him and the one occasion where she modified the student's three-day suspension. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Florida App. 1973).

The record establishes the claimant did not have good cause attributable to the employer for quitting and he is disqualified.

**DECISION:**

The representative's decision of August 10, 2011, reference 01, is affirmed. Randall Gorman is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css