

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA G CONNER
Claimant

APPEAL NO. 09A-UI-09924 -DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EDWARD D JONES & COMPANY
Employer

**Original Claim: 05/31/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Debra G. Conner (claimant) appealed a representative's June 29, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Edward D. Jones & Company (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 28, 2009. The claimant participated in the hearing. The employer did not respond to the hearing notice and no one appeared on the employer's behalf. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

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 January 2008. The claimant worked as a full-time branch office administrator. The claimant's supervisor was J.V.H.

During her employment, the claimant learned her supervisor was a difficult person to work for. The claimant concluded her supervisor was high strung, rude, insensitive, and insecure. Although J.V.H. encouraged the claimant to make suggestions on how to do something better, the claimant's suggestions were never implemented.

The claimant attributed her migraines and high blood pressure to the work place environment and the stress at work. Although the claimant saw a physician, the physician did not advise her to quit her employment. The claimant believed her supervisor did not think the claimant's work performance was satisfactory even though the claimant received "exceeds expectations" on her evaluations. (Claimant Exhibit A.)

On May 13, 2009, the claimant walked into the office three minutes late. The claimant had been caught in traffic and although her supervisor wanted the claimant to call when she would be late for work, the claimant did not call because she believed she would be able to get to work on time. When the claimant walked in, she apologized for being three minutes late for work. J.V.H. told her that she believed the claimant did not respect her as a boss when she did not call to let her know the claimant would be late for work. J.V.H. also accused the claimant of intentionally failing to do what she asked the claimant to do. After J.V.H. made these comments, the claimant decided to walk out because her supervisor was unhappy with her and reprimanded her for being three minutes late for work.

After the claimant walked out, she had no intention of returning. The claimant had been in the process of trying to transfer to another office, so she called her supervisor's boss to let him know what had happened. Since the claimant had already started the process of transferring out of that office, the employer's home office gave the claimant the opportunity to work on-call so she could transfer to another office. The claimant accepted the on-call position because she wanted the opportunity to transfer to another office. (Claimant Exhibit A.)

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. The claimant quit her full-time job on May 13, 2009, when she walked out and did not have another job to transfer to. When a claimant quits, she has the burden to establish she has quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The claimant quit her employment primarily because she did not get along with her supervisor, did not believe her work performance was to the employer's satisfaction, she had just been reprimanded, and for health reasons that were not substantiated by competent evidence. 871 IAC 24.25(22), (28), (33) and 871 IAC 24.26(6)(b).

For over a year, the claimant knew her supervisor was difficult to work with. Her supervisor's insecurities and insensitivity created a stressful work environment for the claimant. Even though the claimant did not believe she performed her work to her supervisor's satisfaction, this belief is not supported by the facts since she received "exceeds expectations" on her evaluations.

The supervisor's reaction on May 13 when the claimant was three minutes was out-of-line, but does not rise to the level of intolerable working conditions. 871 IAC 24.26(4). The claimant had some medical issues, but her assertion that the job caused her to have high blood pressure is not supported by the facts, since her physician still treats her for high blood pressure even though she no longer works full-time for J.V.H. Instead of taking reasonable steps on May 13, the claimant was upset and walked off the job and had no intention of returning to work at that office. Although the employer allowed her to continue her employment on an on-call basis, the claimant quit her full-time job. For unemployment insurance purposes, the claimant established compelling personal reasons for quitting her full-time job. Her reasons for quitting do not, however, establish that she quit for reasons that qualify her to receive benefits. As of May 31, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's June 29, 2009 decision (reference 01) is affirmed. The claimant voluntarily quit her full-time employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 31, 2009. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw