

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RYAN A MAHANNAH
Claimant

APPEAL NO: 13A-UI-13394-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

YELLOWBOOK INC
Employer

**OC: 11/03/13
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Ryan A. Mahannah (claimant) appealed a representative's November 26, 2013 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Yellowbook, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 10, 2014. The claimant participated in the hearing. Christi Dalecky appeared on the employer's behalf and presented testimony from one other witness, Brad Crawford. 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.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on January 4, 2011. He worked full time as an associate manager in the employer's Cedar Rapids, Iowa facility. His last day of work was November 6, 2013. He voluntarily quit on that date.

On the morning of November 6 the claimant met with his immediate supervisor, Crawford. Crawford informed the claimant that he was being given a written warning regarding professionalism in communications. The claimant felt that he had not been given sufficient guidance in handling communication issues; with regard to one of the communications for which he was being faulted, he had attempted to discuss the matter with Crawford a few weeks earlier, and Crawford had not been available to discuss the matter with him. He also felt that Crawford had also not set a good example in communications, as he felt there had been at least two occasions where Crawford had not been very professional in his communications with the claimant.

During the discussion Crawford indicated that there was an option available to the claimant to transfer to a non-management position where communication issues would not be likely. The claimant assumed that the position would be a demotion, which it would not have been. He also assumed that he did not still have an option to continue in his current position and seek to improve the communication issues, which also was not the case. Without further inquiry into the matter, he announced that he was quitting, and left the employment.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Rather, his complaints do not surpass the ordinary tribulations of the workplace. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's November 26, 2013 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of November 6, 2013, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs