

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

APRIL SWENSON

Claimant

APPEAL 15A-UI-13529-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRINITY HEALTH CORPORATION

Employer

OC: 11/08/15

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 30, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 30, 2015. Claimant participated. Employer elected to not participate in the hearing. Claimant Exhibit A was admitted into evidence with no objection.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a cash posting manager from April 30, 2015, and was separated from employment on October 23, 2015, when she quit.

On September 24, 2015, claimant gave the employer notice that she was resigning effective October 23, 2015. The employer accepted the resignation letter. Claimant quit because she did not think she was being utilized by the employer. Claimant did not feel she could meet the needs of the employer, because her direct supervisor would not allow her to make the changes she thought she needed to make. Claimant felt that anything she did was going to be wrong according to her direct supervisor. Claimant felt she was treated unfairly by her direct supervisor. Claimant also did not like her direct supervisor's communication style. Claimant did not think she could ever succeed at her position. Claimant testified she was not given an opportunity to manage her area and do her job, while other managers were allowed to manage their areas and make changes. Claimant was not disciplined by her direct supervisor when her direct supervisor found fault in things she had done.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21), (22) and (37) 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 § 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 § 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.

(22) The claimant left because of a personality conflict with the supervisor.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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 decision to quit because she did not agree with her direct supervisor about various issues was not for a good-cause reason attributable to the employer. Claimant did not like the way her direct supervisor managed her. Claimant testified she was treated differently than the other managers; other managers were allowed to make changes in their department. Claimant also testified her direct supervisor did not allow her to make any changes that she wanted to in her department. The employer is entitled to establish reasonable work rules and expect employees to abide by them. The employer is also allowed to allocate resources and direct employees. Although claimant may not have liked her direct supervisor's management style or agree with her direct supervisor's decisions, it is not a good-cause reason attributable to the employer to quit. It is important to note, that when claimant's supervisor would tell claimant she did something wrong, claimant was not disciplined. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The November 30, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/css