

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA R TURNER
Claimant

APPEAL NO. 08A-UI-03785-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RACING CHAMPIONS ERTL INC
Employer

**OC: 01/20/08 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Debra Turner filed an appeal from a representative's decision dated April 8, 2008, reference 02, which denied benefits based upon her separation from Racing Champions Ertl, Inc. After due notice was issued, a hearing was held by telephone on May 5, 2008. Ms. Turner participated personally. The employer participated by Sharon Besler, human resource manager.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from July 17, 2007, until February 26, 2008, when she voluntarily quit employment due to dissatisfaction with her job and her supervisor. Ms. Turner was employed as a full-time Distribution Specialist II and was paid by the hour.

Ms. Turner left her employment with Racing Champions Ertl, Inc., on or about February 26, 2008, due to general to general dissatisfaction with the failure of shipping department employees to follow directives and because the claimant felt her supervisor was not supportive of management directives that had been given to both the claimant and the supervisor. Because of shipping problems, a company vice president had mandated to the claimant and her supervisor that certain actions be taken to ensure that shipments were being properly identified and loaded. When the claimant attempted to implement the directives, her supervisor became upset. Ms. Turner quit her job the following day via telephone after speaking to the company vice president and stating her dissatisfactions. Work continued to be available to the claimant at the time of her leaving. Ms. Turner's job was not in jeopardy due to the failure of other employees to follow directives.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence establishes that the claimant has good cause attributable to the employer for leaving her employment. It does not.

The evidence in the record establishes the employer was satisfied with Ms. Turner's performance and her adherence to company work directives. Ms. Turner left her employment after becoming dissatisfied at the failure of other workers to follow directives and because the claimant's supervisor did not fully support management directives. The evidence establishes the employer was fully satisfied with her performance and that her job was not in jeopardy. The claimant was not allowed to transfer to a different shift or position, because the agreement between the company and the union required a bidding for those positions.

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(22) 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:

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

871 IAC 24.25(33) 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:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

For the reasons stated herein, the administrative law judge concludes that the claimant quit employment under disqualifying conditions. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated April 8, 2008, reference 02, is hereby affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw