

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAUNA KELLY
Claimant

APPEAL NO: 14A-UI-04118-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

KINSETH HOTEL CORPORATION
Employer

OC: 03/09/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 17, 2014, reference 03, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 8, 2014. The claimant participated in the hearing. Tim Schneider, Director of Operations and Marlene Smith, Employer Representative, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time guest service representative for Kinseth Hotel Corporation from September 25, 2013 to March 15, 2014. She voluntarily resigned her position due to conflicts with her supervisor.

On March 3, 2014, the claimant submitted a text message to Director of Operations Tim Schneider stating she was providing her two-week resignation notice and that she was resigning because she did not feel she should be working under those conditions. The general manager responded that he was sorry to hear that and she needed to submit the resignation in writing. He concluded by stating he expected her to continue to do the books and have positive interactions with employees and customers. The claimant went on to say, "I really don't appreciate you making it sound like I wouldn't do my job. I HAVE DONE NOTHING BUT MY JOB ALONG WITH OTHER PEOPLES." Mr. Schneider told the claimant that if the issue was with the general manager, the procedure was outlined in the employee handbook and she should consult with Mr. Schneider on the Human Resources Director. The claimant did try to reach Mr. Schneider several times during her notice period and stated she wanted to discuss her frustrations with the hotel and particularly the general manager. Mr. Schneider felt the claimant's issues with the general manager stemmed in large part from the claimant's difficulty taking direction on bookkeeping assignments. The claimant also objected to the way the

general manager spoke to her, finding her tone accusatory, and Mr. Schneider was coaching and counseling the general manager on her demeanor and other items. After listening to both the claimant and the general manager he felt they had a personality conflict. Near the end of the claimant's employment, Mr. Schneider gave the general manager specific directions to give the claimant but the claimant refused to complete the assignment accurately or in a timely manner.

The last straw for the claimant came when the general manager sent her an email asking why she had not paid the general manager's credit card bill. The claimant had not received the receipts until Thursday night or Friday and when she did receive them some were missing so she did not pay the bill and the general manager was upset.

After submitting her two-week notice in a text message the claimant later attempted to rescind it but Mr. Schneider would not allow her to do so and her resignation stood. The claimant had not received any verbal or written warnings and her job was not in jeopardy at the time she left her employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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(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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant denies that her reason for resigning was due to a personality conflict with the general manager, after considering the testimony of the parties, the administrative law judge concludes that ultimately that was why the claimant left her job. The claimant was upset about the general manager giving rooms away for free and public drunkenness in the hotel lobby but did not bring those items to the attention of the employer until after she submitted her two-week notice. When the employer learned of those situations it terminated the general manager's employment March 14, 2014, the day before the claimant's last day. Finally, the claimant attempted to rescind her resignation notice during the second week of her notice period but the employer did not allow her to do so. If the working conditions were so intolerable or detrimental as to warrant a resignation from the claimant, and the employer has not responded to her attempts to reach him by phone or email, it would appear the claimant has reversed her position to allow a conclusion she is saying that the working conditions are not as bad as she originally thought. By trying to withdraw her resignation notice, it also makes it appear more likely that the claimant was upset with the general manager and resigned out of anger and then regretted her decision. Both arguments lend credence to the conclusion there was a definite personality conflict between the claimant and the general manager.

DECISION:

The April 17, 2014, reference 03, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs