

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA M PAPPAS
Claimant

APPEAL NO. 16A-UI-07209-TN

**ADMINISTRATIVE LAW JUDGE
DECISION**

PARKER-HANNIFIN CORP
Employer

OC: 06/05/16
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Joshua Pappas, the claimant, filed a timely appeal from a representative's decision dated June 23, 2016, reference 01, which denied unemployment insurance benefits finding that the claimant voluntarily quit work on June 7, 2016 because the claimant did not like the work environment. After due notice was provided, an in-person was held in Council Bluffs, Iowa on August 5, 2016. Mr. Pappas appeared personally. The employer participated by Ms. Michelle Engel, Human Resource Manager. Claimant's Exhibits One through Seven were admitted into the hearing record. Employer's Exhibit A was admitted into the hearing record.

ISSUE:

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

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Joshua Pappas was employed by Parker-Hannifin Corporation from April 22, 2013 until June 3, 2016 when he quit employment by providing a resignation letter to the employer. Mr. Pappas was employed as a full-time machine operator for the company and was paid \$16.70 per hour plus a shift differential. Mr. Pappas was assigned to the company's third shift working from 11:00 p.m. until 7:00 a.m. His immediate supervisor was Derek Drew.

Mr. Pappas submitted a resignation letter on June 3, 2016 to be effective that date. On May 31, 2016, Mr. Pappas had been given a last chance letter by the employer. (See Claimant's Exhibit Seven). The last chance letter was given to Mr. Pappas in an effort to retain Mr. Pappas as an employee requiring the claimant to improve the manner that he communicated with co-workers and supervisors, to comply with directives from company supervisors and management staff members and to adhere to the company's attendance policy. The letter informed Mr. Pappas of the reasons that the company was requiring the claimant to adhere to the agreement to make changes in his employment citing instances where Mr. Pappas had been disrespectful, argumentative and insubordinate. The letter also referenced a May 18, 2016, decision-making letter that had been given to Mr. Pappas and the claimant's failure to respond by stating the

actions that he intended to take to correct his attendance issues. The last chance letter also referenced the most recent dates of Mr. Pappas' attendance infractions noting that the claimant's conduct of leaving a work assignment without permission on May 24, 2016 constituted his eighth attendance occurrence.

After considering the matter, Mr. Pappas made a decision to submit his resignation from employment. The claimant had become increasingly dissatisfied with his employment in the months preceding his resignation because the company had implemented a no fault attendance policy and the facility's previous general manager had left employment leaving the facility without a general manager for an extended period of time.

Although Mr. Pappas had received a copy of the company's new attendance policy prior to its implementation, Mr. Pappas had often disagreed with the manner in which the company had applied the policy. On one occasion Mr. Pappas disagreed with two attendance infractions that had been attributed to him and used a company hotline to complain about the matter. The company investigated and subsequently the two infraction points were removed from Mr. Pappas' attendance record because there was not adequate documentation in the company records to support the infractions.

Mr. Pappas' most recent disagreement with the company's attendance policy took place when he was assessed infraction points for failing to report for two consecutive third shift work assignments during a weather advisory. The company had previously stated that employees would not be required to attend work during a weather advisory, however, on the dates in question weather advisories had been reduced by the time the third shift was to begin on both nights and employees were expected to report for work. The majority of the company third shift employees reported for work on those nights leaving the employer to conclude that the rule was reasonable and understood by the majority of employees.

Mr. Pappas was issued disciplinary warnings and reminders on March 4, 2016, March 19, 2016, May 14, 2016 and was given the final last chance decision letter on May 31, 2016.

It is the claimant's position that he disagreed with the manner in which the company had implemented its no fault attendance policy and disagreed with the application of the policy and did not agree with the warnings that had been issued to him about his demeanor and work.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause that was attributable to the employer. It does not.

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) and (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:

(21) The claimant left because of dissatisfaction with the work environment.

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

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

A claimant is not qualified to receive unemployment insurance benefits if the claimant voluntarily quits employment without good cause attributable to the employer. 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). An individual who leaves employment due to a personality conflict with the supervisor or dissatisfaction with the work environment is presumed to leave without good cause attributable to the employer. However, leaving employment because of intolerable or detrimental working conditions is a good-cause reason attributable to the employer. The test is whether a reasonable person would have left under the circumstances. See Aalbers v. Iowa Department of Job Services, 431 N.W.2d 330 (Iowa 1988). Leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or to the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Fla. App. 1973).

In the case at hand, Mr. Pappas was given reasonable notice of the company's new no fault attendance policy and the company was willing to review attendance issues and make corrections to the claimant's attendance record when Mr. Pappas complained about two in particular attendance infractions. In other instances the company reasonably chose to apply its attendance policy when the majority of employees reported for work after weather conditions had improved following a previous weather advisory based upon a number of employees that had reported and the apparent understanding by those employees of the application of the rule, the employer believed that those attendance infractions should not have been removed in Mr. Pappas' case. In addition to the claimant's dissatisfaction with the new attendance policy, he was also dissatisfied because the previous general manager had left and had not been replaced by the company for a number of months. Mr. Pappas met with the new general manager and it appears that Mr. Pappas believed that the new general manager's management style would not be that of the old one and that was also a consideration of Mr. Pappas' decision to leave employment. While it is understandable Mr. Pappas may have disagreed with some management decisions, nevertheless, it is management's prerogative to make management decisions governing the application of company rules providing that they are reasonable. The final factor that caused Mr. Pappas to leave employment was apparently his belief he would not be able to comply with the requirements of a last chance letter that was given to him some two or three days prior to his unexpected resignation from employment.

Having considered the matter at length, the administrative law judge concludes that while Mr. Pappas' reasons for leaving were undoubtedly good cause reasons from his personal viewpoint, they were not good cause reasons that were attributable to the employer. Accordingly, the claimant is disqualified for unemployment insurance benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

DECISION:

The representative's decision dated June 23, 2016, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer due to dissatisfaction with the work environment. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs