

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DEREE L WITCRAFT**  
Claimant

**KUM & GO LC**  
Employer

**APPEAL 16A-UI-02324-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/02/15  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the February 15, 2016, (reference 04) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on March 29, 2016. The claimant participated personally. The employer, Kum & Go LC, did not participate.

**ISSUES:**

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

Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a sales manager from September of 2015, until her employment ended on January 6, 2016, when she voluntarily quit. Her job duties included supervising other employees, running the cash registers, inventory, cooking and cleaning.

On January 6, 2016, the claimant's supervisor, Neil Notermann spoke to her in the kitchen about the way she had been treating her co-workers. He told claimant that she was being too harsh with them. On other occasions when claimant was working Mr. Notermann would tell claimant that her job was not "rocket science." After meeting with Mr. Notermann on January 6, 2016, the claimant became upset about Mr. Notermann's verbal reprimand and his favoritism with other co-workers so she told a co-worker named Louis that she was quitting.

**REASONING AND CONCLUSIONS OF LAW:**

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

As a preliminary matter, I find that the claimant was not discharged from employment. Claimant voluntarily quit. As such, 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). Claimant intended to quit on January 6, 2016 when she told her co-worker Louis that she was quitting and asked him to communicate that to Mr. Notermann. After a claimant quits, the next step in the analysis is to determine whether or not the claimant left for 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) and (28) 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:

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

(28) The claimant left after being reprimanded.

Claimant did not get along with her supervisor because she believed that he was favoring other co-workers. Claimant was upset that Mr. Notermann believed that she was being too harsh with the workers when she was supervising them.

Based on the timing in receiving the verbal reprimand and the claimant tendering her resignation on the same day, it is clear that the claimant quit because she did not like and disagreed with the verbal reprimand and did not get along with her supervisor. The claimant's decision to quit because she did not agree with the supervisor about various issues was not for a good-cause reason attributable to the employer. As such, benefits must be denied.

## **DECISION:**

The February 15, 2016, (reference 04) 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.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

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