

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SUSAN CARSON
Claimant

SAC & FOX TRIBE
Employer

APPEAL 15A-UI-13101-SC
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/25/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Susan Carson (claimant) filed an appeal from the November 16, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment when Sac & Fox Tribe (employer) accepted her resignation which is not a good-cause reason attributable to the employer. The parties were properly notified about the hearing. A hearing was held on January 20, 2016 at the Iowa Workforce Development office located in Cedar Rapids, Iowa. The claimant participated on her own behalf. The employer participated through Human Resources Director Lucie Roberts. Claimant's Exhibits A and B were received.

ISSUE:

Did the claimant voluntarily quit the 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 full-time as a training associate in the Human Resources Department beginning on July 31, 2012, and was separated from employment on October 9, 2015, when she quit. The claimant reported to Lead Trainer Beverly Stanley. Stanley micromanaged the claimant's work, would dismiss suggestions the claimant made to improve business process, and would speak to her condescendingly. These issues continued throughout the claimant's employment.

Stanley was responsible for creating the training calendar and every year Manager/Supervisor III classes would be offered. In 2015, the claimant was responsible for creating the curriculum and teaching the Manager/Supervisor III class to which she did not object. However, at the end of July and beginning of August 2015, Stanley created the September 2015 training calendar and insisted that all of the Manager/ Supervisor III classes be held that month. The claimant spoke to Stanley on numerous occasions and asked if that could be changed as it would be too stressful with issues she was having at home, including her father suffering from a terminal illness. Stanley refused to change the calendar.

On August 20, 2015, the claimant met with Stanley's supervisor Human Resources Director Lucie Roberts about the September 2015 training calendar. Stanley observed the two talking and shortly afterward presented the claimant with an altered training calendar that included some of the Manager/Supervisor III trainings rescheduled for October 2015.

Stanley would regularly direct the claimant to handle job duties that initially Stanley was going to handle. None of the job duties were outside the scope of the claimant's position; however, earlier in their relationship Stanley would ask the claimant about her preferences and, by the end of the claimant's employment, she was issuing directives.

On September 8, 2015, the claimant spoke with Roberts about her continued issues with Stanley. They had previously discussed moving the claimant's desk out of the training office and into the main Human Resources office. The claimant told Roberts she was ready to have her desk moved. The employer moved her desk the following day. Some of Stanley's micromanagement ended at that time.

During the week of September 14, 2015, the claimant was giving Orientation Training and Stanley sat in the training as she had done in the past. She would occasionally interrupt the claimant to remind her to tell them about certain issues which the claimant was prepared to address later in her presentation. This was behavior Stanley engaged in throughout the entirety of the claimant's employment when she would sit in on the trainings.

On September 25, 2015, the claimant submitted her notice of resignation citing continued issues with Stanley. The claimant's last day of work was October 9, 2015.

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(22) and (23) 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.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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.

The 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 had ongoing issues with the way in which her supervisor supervised. The claimant regularly reported these incidents to the employer. After she reported the issues, she was granted what she requested. The calendar was changed and she was allowed to move her desk away from her supervisor. While it is understandable the claimant did not like the way Stanley managed her, Stanley's management style did not rise to the level of intolerable or detrimental. The claimant also had personal issues at home, such as a terminally ill parent, which appear to have affected her ability to work. While the claimant's decision to leave her employment may have been based upon good personal reasons, it was not for good-cause reasons attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The November 16, 2015, (reference 01) unemployment insurance decision is affirmed. The 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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