

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CAL D SCHULTE
Claimant

HY-VEE INC
Employer

APPEAL NO. 21A-UI-24883-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/26/21
Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Cal Schulte, filed a timely appeal from the November 1, 2021, reference 01, decision that disqualified him for unemployment insurance benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on September 29, 2021 without good cause attributable to the employer. After due notice was issued, a hearing was held on January 6, 2022. Claimant participated and presented additional testimony through Makayla Shreve. Erin Bewley of Corporate Cost Control represented the employer and presented testimony through Stephanie Conyers. Exhibit A was received into evidence.

ISSUE:

Whether the claimant's voluntary quit was for 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, Cal Schulte, was employed by Hy-Vee, Inc. as a full-time Certified Pharmacy Tech from August 3, 2021 until September 29, 2021, when he voluntarily quit. Ashley Engel, Pharm. D. hired the claimant and was the claimant's immediate supervisor. On September 29, 2021, the claimant notified Stephanie Conyers, Area Human Resources Manager, that he was leaving the employment due to personal mental health issues. The claimant told the employer that because of the COVID-19 pandemic he found the work too stressful and too much to bear. Ms. Conyers reminded the claimant of available Employee Assistance Program (EAP) services. The claimant advised that he would follow up with his therapist and his mother. Neither a doctor nor mental health professional advised the claimant to leave the employment. During the meeting, the claimant mentioned that his supervisor had directed him to get off his personal phone while the claimant was working in the pharmacy. The claimant perceived the directive to be disparate treatment. The employer discouraged use of personal cell phones outside of breaks. The claimant advised on September 29, 2021 that his quit would be effective at the end of the work day. At the time the claimant separated from the employment, the employer continued to have work available to the claimant.

In making the decision to leave the employment, the claimant factored a meeting Ms. Conyers had summoned him to on September 23, 2021, at which time Ms. Conyers addressed the claimant's habitual tardiness. The employer had also spoken to the claimant earlier in the month regarding the same issue.

In making the decision to leave the employment, the claimant considered what he considered to be unfair treatment by his supervisor. The claimant perceived the supervisor to have ended his training prematurely, to be dismissive, and to be quick to reassign his work, rather than help the claimant to master new tasks. On the last day in the employment, the claimant perceived that neither the supervisor nor coworkers desired his continued presence in the pharmacy.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See Iowa Admin. Code r. 871-24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d (Iowa 2005).

Quits due to a personality conflict with a supervisor, inability to work with coworkers, dissatisfaction with the work environment, and in response to reprimands are presumed to be without good cause attributable to the employer. See Iowa Administrative Code rule 871-24.25(6, 21, 22 and 28).

The evidence in the record establishes a voluntary quit without good cause attributable to the employer. The claimant quit due to dissatisfaction with the work environment, dissatisfaction with his relationship with his supervisor, dissatisfaction with his relationship with coworkers, dissatisfaction with the training regimen, and in response to a mild reprimand regarding habitual tardiness during his short term in the employment. The weight of the evidence does not support the claimant's assertion of intolerable or detrimental working conditions. The evidence does not establish circumstances that would have prompted a reasonable person to leave the employment. The claimant also left due to personal mental health challenges not attributable to the employer or the employment, but did so on his own volition, rather than upon the advice of a licensed professional. The claimant is disqualified for benefits until he has worked in and been

paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

DECISION:

The November 1, 2021, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

February 4, 2022
Decision Dated and Mailed

jet/scn