

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

DIANNA G IVERSON
1830 N 5TH ST
CLINTON IA 52732

KALOT INDUSTRIES INC
STAMPEDE PRODUCTS
1924 S WASHINGTON BLVD
CAMANCHE IA 52730

Appeal Number: 04A-UI-09953-AT
OC: 06/06/04 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Dianna G. Iverson filed a timely appeal from an unemployment insurance decision dated September 8, 2004, reference 04, which disqualified her for benefits. After due notice was issued, a telephone hearing was held on October 4, 2004 with Ms. Thompson participating and presenting additional evidence by Sheri Thompson. Operations Manager Stan Holdampf participated for the employer, Stampede Products. Carolyn Mulholland was present but was not called to testify.

FINDINGS OF FACT:

Having hearing the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Dianna G. Iverson was hired by Stampede Products in May 2003. Operations Manager Stan Holdampf interviewed her at the time of hire. He told Ms. Iverson that she could anticipate receiving a raise of approximately \$.50 per hour if she successfully completed her 90-day probationary period. He also told Ms. Iverson that the company ended its fiscal year on May 31 of each year. After determining its profit and loss it determines what raise if any to award employees. Annual raises went into effect on or about July 1. Ms. Iverson did not receive a raise on July 1, 2003 because she had worked for the company only two months. At the time she resigned in June 2004, the company had not announced whether there would be a raise on July 1, 2004.

Mr. Holdampf was the only person with authority to discharge Ms. Iverson. Ms. Iverson had a series of disagreements with her lead worker, Sue Peterson. Ms. Iverson resigned abruptly on June 11, 2004 because of a conflict with Ms. Peterson. Mr. Holdampf was not on the premises at that time. She had complained to Mr. Holdampf in the past that she believed that Ms. Peterson was blaming her for mistakes which she did not make. Her theory was that other employees were using her stamp, making it appear erroneously that Ms. Iverson had performed tasks which she had not performed. Further work was available had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Iverson resigned with good cause attributable to the employer, it does not.

Iowa Code Section 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.

Ms. Iverson gave two reasons for her resignation. Her first reason was that she believed that the employer had renegged on specific promises of raises. Mr. Holdampf denied that specific promises had been made. The administrative law judge finds the employer's testimony more credible. It seems implausible that an employer would make a specific promise of a specific pay raise with the possible exception of a raise to be given at the end of a probationary period. Ms. Iverson received such a raise at the end of her probationary period. When raises are tied to productivity and profitability, an employer cannot know in advance the amount, if any, of such an annual raise. An individual who resigns because of dissatisfaction with a known rate of pay leaves work without good cause attributable to the employer. See 871 IAC 24.25(13).

Ms. Iverson also resigned because she felt that she was being treated unfairly by Ms. Peterson. The evidence does not establish that Ms. Peterson's behavior was sufficient to establish detrimental or intolerable working conditions. This was, after all, only a conflict over whether Ms. Iverson or someone else was responsible for certain errors. Ms. Iverson acknowledged a personality conflict with Ms. Peterson. One who resigns because of a personality conflict with a supervisor leaves work without good cause attributable to the employer according 871 IAC 24.25(22).

Viewing each of the reasons individually and also considering the totality of the circumstances, the administrative law judge concludes that the evidence does not establish good cause attributable to the employer for the resignation. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated September 8, 2004, reference 04, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

kjf/kjf