

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMANDA P ARNOLD
Claimant

APPEAL 17A-UI-07754-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOSTER INSURANCE & FINANCIAL SERV
Employer

OC: 07/09/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(22) – Personality Conflict with Supervisor
Iowa Admin. Code r. 871-24.25(28) - Reprimand

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 27, 2017, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on August 23, 2017. The claimant participated and testified. The employer participated through President Kreg Foster and Office Manager Molly Pickett. Claimant's Exhibit A was received into evidence.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a customer service representative. Claimant was initially hired as a receptionist on October 1, 2013, but was later promoted to the customer service position, where she worked until this employment ended on June 30, 2017, when she voluntarily quit.

On June 16, 2017, claimant gave verbal notice of her resignation to Foster. Claimant told Foster her last day would be June 30 and she was quitting to stay home with her children and focus on planning her wedding. Claimant testified this was not the real reason she was resigning and that she was actually quitting based on an incident that occurred the day prior with Pickett, her immediate supervisor. According to claimant, on June 15, she was called into Pickett's office following a phone call with a customer. During this meeting Pickett informed claimant she could have handled the call better and should try not to involve the insured customer whenever possible. Claimant also testified Pickett told her she handled most situations wrong and that her tone and demeanor were hostile. According to claimant this was not the first time she had felt mistreated by Pickett. Claimant testified she did not feel like she could take Pickett's treatment of her any longer, so she resigned. Pickett denied she mistreated claimant in any way and testified she had even told claimant on June 15, that what had

happened was not a big deal and she was generally doing a good job. Pickett further testified she had tried to get Foster to convince claimant not to resign. Foster testified had claimant not resigned work would have been available to her.

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.

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.

Iowa Admin. Code r. 871-24.25 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:

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

...

(28) The claimant left after being reprimanded.

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).

Here, claimant resigned following a conversation with Pickett on June 15 about how she handled a call with a client. Claimant did not appreciate the manner in which Pickett spoke to her or criticized her work. However, claimant has not provided sufficient evidence that the work environment was such that the average person would find it to be intolerable. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The July 27, 2017, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her 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.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs