

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the Matter of:

FRANK L. REINESTO
(Claimant)

FARMERS INSURANCE GROUP
(Employer)

PRECEDENT
BENEFIT DECISION
No. P-B-138
Case No. 72-905

The claimant appealed from Referee's Decision No. BK-14113 which held the claimant was disqualified for benefits under section 1256 of the Unemployment Insurance Code and the employer's account is relieved of charges under section 1032 of the code.

STATEMENT OF FACTS

The claimant last worked for the above identified employer for 18 years and 9 months as a senior investment analyst. He resigned this employment on November 2, 1971 under the following circumstances.

On June 1, 1971 the employer appointed a new manager of equity investments who became the claimant's immediate superior. The new manager was 32 years of age, some 15 years younger than the claimant. The claimant felt that the manager refused to recognize his experience in handling investments. In addition the claimant felt it was not necessary to report all details of his work to the manager. Consequently the claimant and the manager had a problem of communication. The claimant was very dissatisfied with his relationship with the equity manager. As a result of this dissatisfaction the claimant advised the investment director in the latter part of October that he had decided to resign. The director talked to the claimant and persuaded him to remain until the end of the year. The director requested that the claimant discuss his dissatisfaction of his job conditions with the equity manager and see if the matter could be adjusted.

The director informed the manager of the claimant's intention to resign. The manager realized there was a personality clash between the claimant and him and that they did not communicate properly. On November 1 the

manager asked the claimant to come into his office to discuss the problems surrounding their relationship. The manager told the claimant he thought his work was good but that their personal working relationship could be improved. The claimant did not wish to discuss the matter with the manager and had little to say. After the meeting the manager was of the opinion that some progress had been made in improving the relationship between the claimant and him.

On November 2 the claimant reported for work. He decided that working conditions were so intolerable that he could no longer remain in the employer's employ. He therefore left the office at approximately 10 a.m. and did not return.

REASONS FOR DECISION

Section 1256 of the Unemployment Insurance Code provides that an individual is disqualified for benefits, and sections 1030 and 1032 of the code provide that the employer's reserve account may be relieved of benefit charges if the claimant left his most recent work voluntarily without good cause.

We held in Appeals Board Decision No. P-B-27 that there is good cause for the voluntary leaving of work where the facts disclose a real, substantial and compelling reason of such nature as would cause a reasonable person genuinely desirous of retaining employment to take similar action.

In considering whether working conditions are so intolerable as to afford a claimant good cause for leaving work, we believe that only in those cases where employment conditions are so onerous as to constitute a threat to the physical or mental well-being of an employee or where the actions of a supervisor are particularly harsh and oppressive will there be good cause for leaving work. Furthermore, mere dislike for a supervisor where the facts do not indicate a course of conduct on the part of the supervisor amounting to abuse, hostility or unreasonable discrimination would not constitute good cause for leaving work. (Appeals Board Decision No. P-B-126)

In the present case the evidence falls short of establishing a compelling reason constituting good cause for the claimant to leave work. All that is shown is that the claimant resented the new manager; that a generation gap existed; and, that the claimant felt he was not given credit for his past experience. There is no evidence the manager was abusive or hostile to the

claimant. In fact the manager was trying his utmost to communicate with the claimant and solve any problems which had developed. Under the circumstances we conclude that the claimant has failed to establish any real or compelling cause for leaving work and he is therefore subject to disqualification for benefits under section 1256 of the code.

DECISION

The decision of the referee is affirmed. The claimant is disqualified for benefits under section 1256 of the code. The employer's account is relieved of charges under section 1032 of the code.

Sacramento, California, May 2, 1972.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

ROBERT W.SIGG, Chairman

CLAUDE MINARD

JOHN B. WEISS

DON BLEWETT

CARL A. BRITSCHGI