

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CYNTHIA A ZEROMSKI
Claimant

APPEAL 21A-UI-21642-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALDI INC
Employer

OC: 02/28/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) - Voluntary Quit
Iowa Code § 96.5(2)a - Discharge for misconduct
Iowa Admin. Code r. 871-24.25(37) - Resignation Accepted
Iowa Admin. Code r. 871-24.25(21) - Dissatisfaction Work Environment

STATEMENT OF THE CASE:

Claimant, Cynthia Zeromski, filed an appeal from the September 22, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit working on August 22, 2021 for personal reasons not attributable to the employer. The parties were properly notified of the hearing. A telephonic hearing was held on November 19, 2021. The claimant participated. The employer, Aldi Inc, participated through Mr. Delavega, party representative and Ms. Arndt. Judicial notice was taken of the administrative file.

ISSUE:

Was the separation a layoff, discharge for misconduct or a voluntary quit without good cause?

FINDINGS OF FACT:

Having heard the testimony and reviewed the evidence in the record, the administrative law judge finds claimant was employed full time as a shift manager. She started June 16, 2003, with July 29, 2021 being the last day she worked. She gave her two weeks notice on July 21, 2021, both orally and then later in writing. She had the resignation effective July 30, 2021 and utilized vacation time to be paid through the end of August 4 or 5, 2021. The employer accepted her resignation. Her resignation came within a very short time frame (less than an hour) of inquiring about a promotion and being told she would not yet be promoted and claimant making a comment about needing a higher wage.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits are withheld.

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(21) and (37) 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: ...

(21) The claimant left because of dissatisfaction with the work environment.

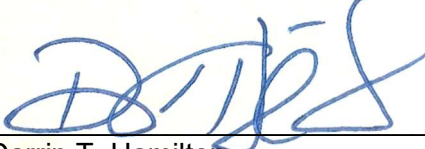
(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

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).

Claimant resigned and the resignation was accepted. Claimant was not happy with her work environment, specifically when asking about a promotion, being told that she would not be getting promotion at this time, and then quitting within an hour of the conversation about a promotion. While she may have good reasons to quit, they are not a good reasons attributable to the employer. As such, benefits must be denied.

DECISION:

The September 22, 2021 (reference 01) unemployment insurance decision denying benefits is **AFFIRMED**. Claimant's voluntary quit is 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.



Darrin T. Hamilton
Administrative Law Judge

December 30, 2021
Decision Dated and Mailed

dh/kmj