

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

DENISE A CAMERON
Claimant

APPEAL NO. 09A-UI-10470-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAMILY DOLLAR STORES OF IOWA INC
Employer

**Original Claim: 05/24/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Denise A. Cameron (claimant) appealed a representative's July 13, 2009 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Family Dollar Stores of Iowa, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 7, 2009. The claimant participated in the hearing. Carmen Thomas appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on March 3, 2008. She worked full-time as an assistant manager at the employer's Des Moines, Iowa store. Her last day of work was May 29, 2009. She voluntarily quit that day.

The claimant believed that Ms. Thomas, the store manager, was trying to force her out. There had been some recent discord between the two, primarily due to issues from their personal lives spilling over into their work lives. The claimant believed Ms. Thomas was too willing to call the claimant in to cover for Ms. Thomas' absences due to personal issues, and believed Ms. Thomas was not as willing to cover for the claimant when the claimant was dealing with personal issues. In approximately April, the claimant had complained to a district manager about Ms. Thomas calling the claimant to clock Ms. Thomas out after she had left and with regard to how Ms. Thomas had been dealing with drawer overages. The district manager had addressed the concerns with Ms. Thomas. Ms. Thomas learned it was the claimant who had complained, and subsequently questioned the claimant as to whether she was being a team player. She also chastised the claimant for jumping the chain of command and not expressing her concerns to Ms. Thomas before going to the district manager.

On May 19 Ms. Thomas had given the claimant a write up for accessing personal information and for lack of professionalism due to an incident where the claimant opened up Ms. Thomas' paycheck. However, the employer did not view the claimant's job as being in jeopardy. The claimant did not

discuss her concerns with Ms. Thomas before leaving. There was not a particular event that triggered the claimant's decision to leave when she did. On May 29 the claimant came in for her shift at 2:00 p.m. Ms. Thomas was at the store until about 3:00 p.m. There was little discussion between the two of them, but no problem occurred. After Ms. Thomas left at about 3:00 p.m., the claimant called her at approximately 3:47 p.m. and told her she was leaving, then hung up, left her keys with a new employee who was the only employee at the store, and left the store.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). While the claimant's work situation was perhaps not ideal, she has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's July 13, 2009 decision (reference 02) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of May 29, 2009, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw