

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLEY L PETERSON
Claimant

APPEAL NO: 20A-UI-00158-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALDI INC
Employer

OC: 12/15/19
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 2, 2020, reference 01, decision that denied benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 27, 2020. The claimant participated in the hearing. Karissa Prior, District Manager; Mike Gowing, Store Manager; and Tom Kuiper, Employer Representative; participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time cashier for Aldi from December 2, 2019 to December 15, 2019. She voluntarily left her employment because she was dissatisfied with the scheduling and said, "I hate it. I quit. I'm sorry. I hate it. I quit," and handed the keys to the manager.

The claimant told the employer during her first and second interviews that she could not work Tuesdays, Thursdays, or Fridays because she cared for her grandson on those days. She also indicated her availability on the employer's availability sheet December 2, 2019.

Store Manager Mike Gowing was new to his position, starting as manager December 4, 2019, and when he made the schedule December 13, 2019, he mistakenly scheduled the claimant Tuesday, December 24, 2019 and Friday, January 3, 2020. The claimant did not see Mr. Gowing until the end of the day December 13, 2019, and when she brought up the scheduling he said they could discuss it but he was on his way out as it was the end of his day. He did not think her concern was urgent and they set a meeting for the next time both were scheduled which was Sunday, December 15, 2019. Around 7:30 p.m. December 13, 2019, the claimant closed her register and she and the night manager discussed her schedule. The night manager explained one employee was leaving and one was on vacation and one was going to a different store. She suggested the claimant leave a note for Mr. Gowing and the claimant did so

explaining two days she was scheduled she could not work and asked him to contact her. She left the note on his desk but he did not see it so he did not contact her. On December 14, 2019, the claimant tried to call the store to reach Mr. Gowing but the store does not maintain a public phone number. On December 15, 2019, the claimant went in and returned her keys to the employer and quit because of the schedule.

Mr. Gowing stated he scheduled the claimant by mistake because the auto-scheduling program the store uses had the incorrect availability for the claimant but mistakes of that nature are easily corrected. The claimant arrived for her shift December 15, 2019, at 8:55 a.m. and gave him her keys and left. Mr. Gowing did not see the claimant's note about her schedule until after she resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant was upset about her schedule, Mr. Gowing simply made a mistake that he was more than willing to correct had he been given the opportunity to do so. Before he could, however, the claimant voluntarily quit her job. The first day she was scheduled on a day she could not work was 11 days in the future, December 24, 2019, and the other was even further down the line in January 2020. The claimant never gave Mr. Gowing a chance to change her schedule before she quit her job.

Under these circumstances, the administrative law judge must conclude the claimant voluntarily left her employment without good cause attributable to the employer. Therefore, benefits must be denied.

DECISION:

The January 2, 2020, reference 01, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn