

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SANDY CHRISTOFFERSEN
Claimant

APPEAL NO. 20A-UI-12123-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MAQUOKETA CARE CTR INC
Employer

OC: 06/28/20
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 21, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 24, 2020. Claimant participated. Employer participated by Sharon Ehlinger and Julie Edwards. Employer's exhibits 1-12 were admitted into evidence.

ISSUES:

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 22, 2020. Claimant voluntarily quit when she felt that she wasn't given more hours while she felt others were given hours. Claimant additionally stated that she was asked to serve food that had been in a refrigerator for two weeks.

Employer explained that claimant and one other person worked the same number of hours as the daytime cooks for employer. A different worker working a different job received additional hours, but it was not a part of the food preparation. Employer additionally stated that they are meticulous with their food and practice food safety at all times.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was uncomfortable with hours and food safety.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant did not show that she had hours reduced at any time close to when she quit, nor did she prove that employer forced claimant to use spoiled food. Benefits denied.

DECISION:

The decision of the representative dated September 21, 2020, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

December 7, 2020
Decision Dated and Mailed

bab/mh