

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDREA M MCBRIDE**  
Claimant

**APPEAL NO. 11A-UI-08281-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 05/22/11  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 16, 2011, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 21, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing with her representative, William Bribiesco. Susanne Zevin participated in the hearing on behalf of the employer with witnesses Karra Dennis and Penni Hewlett.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked as a cook and donut maker for the employer from April 12, 2010, to April 3, 2011. Penni Hewlett was the store manager when the claimant's employment ended.

The claimant had worked on Friday, April 1, and was scheduled to work on the morning of Sunday, April 3. Hewlett had worked on April 2 and felt the claimant had left some things for the weekend cook that she should have completed. Hewlett had prepared a list of things she felt the claimant had neglected when she worked on April 1. Hewlett had reported to work about an hour before the claimant arrived on April 3 and left the list on the counter because she planned to talk to the claimant about the issues.

When the claimant reported to work, she discovered the list and asked who had prepared it. Hewlett admitted she had written the list and told the claimant they needed to talk. The claimant became upset because she did not think it was true that she had left tasks for the weekend cooks. She then told Hewlett that she was quitting, her boyfriend did not want her working weekends anyway, and she would find a job where she did not have to work weekends. She immediately left the store.

At the point the claimant left, she intended to quit her job. Hewlett considered her to have quit by what she said and her conduct in leaving. But, claimant later changed her mind and hoped

Hewlett would, too, because she reported to work as scheduled on April 4. When she reported to work and asked Hewlett if she wanted her to work, Hewlett informed her that she was no longer employed because she had quit the day before. The claimant quit her employment because she was upset about being accused of not completing all her required work.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and the reliability of the evidence and by applying the proper standard and burden of proof. I believe Hewlett's testimony about what the claimant said and did on April 3. I am convinced the claimant simply had a change of heart and hoped Hewlett would let her return to work.

The claimant may have been unhappy about working weekends and upset by the list Hewlett wrote, but that does not amount to good cause attributable to the employer to quit.

**DECISION:**

The unemployment insurance decision dated June 16, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw