

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLEY, CAMMIE
Claimant

APPEAL NO. 12A-UI-06062-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PRAIRIE MEADOWS RACETRACK &
CASINO**
Employer

**OC: 04/29/12
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Cammie Shelley filed a timely appeal from the May 15, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 18, 2012. Ms. Shelley participated. Rebecca Fisher, Human Resources Generalist, represented the employer.

ISSUE:

Whether Ms. Shelley's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Cammie Shelley was employed by Prairie Meadows Racetrack & Casino from 1995 until August 9, 2012, when she voluntarily quit. For the last 10 years of the employment, Ms. Shelley was a full-time Player Services Manager. Ms. Shelley's immediate supervisor was Jeff Nelson, Director of Marketing.

On August 5, 2012, Ms. Shelley submitted a written resignation memo. The memo indicated that after 16+ years, she had decided to pursue other career opportunities and was confident that skills she had gained during the employment would benefit her career. Ms. Shelley did not mention any issues that she was having in the employment. While Ms. Shelley provided a two-week notice, the employer gave her the option of making the quit effective immediately and being paid for the two-week notice period. Ms. Shelley elected to go that route.

At the time Ms. Shelley separated from the employment, she was in the process of dissolving her marriage. Ms. Shelley's spouse worked for the same employer. Ms. Shelley attributes her quit to accumulated stress associated with the employment. Ms. Shelley asserts that two weeks prior to submitting her resignation memo, Mr. Nelson advised her that she had a target on her back, referring to Ms. Shelley's relationship with members of management other than Mr. Nelson. Ms. Shelley had not received any recent reprimands and had excellent performance reviews during at least the last two years of her employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

On the other hand, if a claimant quits due to dissatisfaction with the work environment, the quit is presumed to be without good cause attributable to the employer. See Iowa Admin. Code 871 IAC 24.25(21).

The weight of the evidence in the record indicates that Ms. Shelley voluntarily quit due to dissatisfaction with the work environment. Ms. Shelley's accumulated dissatisfaction with the work environment, and her dissolving marriage, did not constitute intolerable or detrimental working conditions and did not make the quit for good cause attributable to the employer.

Ms. Shelley voluntarily quit the employment without good cause attributable to the employer. Accordingly, she is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Shelley.

DECISION:

The Agency representative's May 15, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs