

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JILL M MORTENSEN

Claimant

APPEAL NO: 15A-UI-00706-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

Employer

OC: 12/21/14

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 8, 2015, 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 February 9, 2015. The claimant participated in the hearing. Toni Richardson, Store Manager, 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 full-time cashier/cook for Casey's from September 20, 2012 to December 19, 2014. She voluntarily left her employment Casey's by walking off of her shift after being confronted by the store manager for being late.

On December 19, 2014 the claimant was scheduled to work at 6:00 a.m. When she had not arrived by 6:12 a.m. Store Manager Toni Richardson called her and the claimant stated she was "coming around the corner now." The claimant was more than five minutes tardy on 32 of a possible 120 shifts. When the claimant arrived she got her smock and uniform. Ms. Richardson told her she might need to get more sleep and made a gesture toward the claimant's forehead. The claimant testified Ms. Richardson "thumped her forehead." Ms. Richardson did not remember touching the claimant but stated she may have touched the claimant's forehead with her forefinger. The claimant testified that was not why she left.

Ms. Richardson thought the claimant had an attitude after arriving late and appeared frustrated and "grumpy." When Ms. Richardson tried to give her instructions the claimant walked away from her and Ms. Richardson told her not to walk away from her when she was talking to her. The claimant became loud and upset with Ms. Richardson in front of customers while she was there. They were unloading the truck and the claimant felt like Ms. Richardson was throwing boxes around but Ms. Richardson testified she is much older than the claimant and it is more

difficult for her to lift heavy boxes but she did not throw, drop, or slam any boxes. A short time later the claimant told Ms. Richardson, "I don't appreciate how you are treating me. I feel like you are talking to me like my Mom," took off her smock, got her coat, and walked off of her shift. Ms. Richardson determined the claimant voluntarily quit her job by walking out.

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 § 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 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 and Ms. Richardson usually worked well together, they had issues December 19, 2014 after the claimant reported for work late and appeared to be in a bad mood as a result. The claimant testified Ms. Richardson "thumped" her in the forehead after telling her she needed to get more sleep but Ms. Richardson denies doing so. She did say she might have touched her on the forehead with her forefinger but in a caring gesture, not in anger and both parties agree Ms. Richardson was not trying to hurt the claimant. Additionally, the claimant stated that was not the reason she walked off her job.

Ms. Richardson felt like the claimant had an attitude after arriving late and at one point told the claimant not to walk away from her when she was giving her instructions. The claimant believed Ms. Richardson was throwing boxes when they were unloading the truck but Ms. Richardson's testimony that the boxes were just heavy and she did not intentionally throw, drop, or slam a box of product was credible.

The claimant admitted her feelings were hurt after Ms. Richardson reprimanded her and she stated, "I don't appreciate how you are treating me. I feel like you are talking to me like my Mom," before walking off the job. While the claimant was upset with Ms. Richardson, her testimony has established that she was dissatisfied with the work environment. She has not demonstrated, however, that her leaving was for unlawful, intolerable, or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The January 8, 2015, 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

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