

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

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**Appeal Number: 05A-UI-05168-H2T
OC: 04-24-05 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 13, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 20, 2005. The claimant did participate. The employer did participate through Jay Thakor, Manager, and was represented by Janece Valentine, Attorney at Law. Claimant's Exhibit A was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a cashier full time beginning in August 2003 through April 21, 2005 when she voluntarily quit. The claimant quit because she did not like the way the owners were running the business. The claimant felt uncomfortable with the way the business was being

run. The claimant was accused by some others of stealing hours or of misordering stock. The owner Mahesh Kumar investigated the allegations and determined that none of the allegations were founded. The claimant was never disciplined in any way for stealing time or for misordering stock. When the claimant complained to Mr. Kumar about the allegations they were investigated. The claimant was unhappy with some of the gossip that other employees in the store were perpetuating. The claimant's own testimony at hearing was that the owners "did not do a whole lot to her" but she "was afraid they would be mean to her in the future." On the one occasion when the claimant did go to the owners, her complaints were investigated and she was not disciplined for any misconduct. The claimant did not like the way the business was being run.

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:

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.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

- (21) The claimant left because of dissatisfaction with the work environment.

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 (amended 1998). The claimant was not disciplined for any kind of conduct. When an employer is told that employees are stealing time or misordering product or performing their job duties incorrectly the employer has the right to conduct an investigation. While the claimant may have been offended that someone told the owners that she was stealing time, it was well within the rights of the employer to investigate. Similarly, it is within the rights of a business owner to decide how to conduct the business. That may include leaving notes for an employee's manager about an error made by the employee. The claimant's leaving because she suspected that in the future the employer would mistreat her is not good cause attributable to the employer. Benefits are denied.

DECISION:

The May 13, 2005, 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.

tkh/tjc