

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIANA JENKINS
Claimant

APPEAL NO: 14A-UI-02353-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 02/09/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 27, 2014, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 25, 2014. The claimant participated in the hearing. Adam Perkins, Manager of Store Operations; Abby Leetch, Human Resources Manager; and Ajah Anderson, Employer Representative 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 part-time checker for Hy-Vee from July 16, 2013 to February 10, 2014. The claimant was experiencing a domestic abuse situation and her abuser came into the store on occasion, even after she had secured a restraining order against him, which terrified the claimant. She informed the employer of the situation and found it did everything it could to help and protect her but the claimant also understood that there is absolutely no secure location while her abuser is free to go where he pleases and refuses to abide by the no-contact order. The claimant decided to take a leave of absence beginning January 11, 2014, to return March 7, 2014, but while away she decided she could not return to work for the employer and notified it February 10, 2014, she would not be coming back to work. The employer had continuing work available.

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.

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 everyone involved in this hearing sympathizes with the claimant's domestic abuse situation and understands her decision to leave her employment, in part so she was not an easy target for her abuser while at work, in order for an employee who leaves her employment to collect unemployment insurance benefits she must do so for good cause attributable to the employer. (Emphasis added). In this case the employer did not do anything but try to work with the claimant in an effort to help her with this situation. The employer did not create unlawful, intolerable or detrimental working conditions as is required before an employee who voluntarily leaves her job must demonstrate before unemployment benefits would be allowed. Consequently, the administrative law judge must conclude the claimant has not met her burden of proving that her leaving was due to her employer. Therefore, benefits must be denied.

DECISION:

The February 27, 2014, 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

je/css