

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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D AND K ONE STOP INC
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AURORA IA 50607-0127

Appeal Number: 04A-UI-06565-SWT
OC: 05/23/04 R: 04
Claimant: Appellant (2)

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 Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 10, 2004, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 12, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing with witnesses, Steve Sullivan and Deb Hundley. No one participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

FINDINGS OF FACT:

The claimant worked full time as a cashier for the employer from March 1, 2003, to May 14, 2004. Jodee Dublin was the claimant's supervisor. When the claimant was hired, Dublin told her that she would receive a raise after a year. After a year, however, the claimant did not receive a raise even though she had complained to Dublin about her wages.

During the last six months of her employment, the business, which is a convenience store and gas station, ran out of gas several times because the employer was having cash flow problems. Dublin continued to display gas prices even though there was no gas available and the claimant was subjected to repeated criticism from customers about this problem both at work and outside of work. She also became concerned that she would not be paid for her work after learning that another employee's paycheck was dishonored. This became an intolerable situation for the claimant. The claimant notified Dublin that she intended to quit in two weeks because of the problems set forth above, but Dublin did not do anything to resolve the problems so the claimant quit her employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The claimant has established that she quit employment due to intolerable working conditions and a failure of the employer to provide a raise as agreed to when she was hired. She complained about these problems and informed the employer that she intended to quit because of the problems, but the employer did not resolve the problems.

DECISION:

The unemployment insurance decision dated June 10, 2004, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/tjc