

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURA BROWN
Claimant

FBG SERVICE CORPORATION
Employer

APPEAL 17A-UI-05355-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/30/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 16, 2017, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on June 21, 2017. Claimant participated. Employer participated through human resources representative Pam Kincaid, and Thomas Kuiper of Equifax/Taix represented the employer.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a part-time commercial cleaning specialist working in Cedar Rapids, Iowa, through March 31, 2017. Claimant gave verbal notice to Kincaid of her intention to quit to move from Marion, Iowa, to Sioux Falls, South Dakota. Continued work was available. She was concerned that the bus system was raising rates and some drivers would not let her on the bus. She also had undisclosed personal and family problems. After customer complaints, claimant did not feel like she could clean the restrooms and breakroom because others used them while she was cleaning. The employer did not complain about her work or discipline her because of it. She wanted to work in a different building and told her supervisor but she wanted more hours than were available at other locations in the area.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

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:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

(2) The claimant moved to a different locality.

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

The claimant's decision to quit because she wanted to move to another city, and because she did not like people entering the restroom or break room while she was cleaning may have been based upon good personal reasons, but were not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied. Claimant is not monetarily eligible for a part-time quit resolution pursuant to Iowa Admin. Code r. 871-24.27.

DECISION:

The May 16, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs