

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRANDI SWARTZ
Claimant

APPEAL NO: 15A-UI-10348-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT FARM & FLEET INC
Employer

OC: 08/02/15
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 8, 2015, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 30, 2015. The claimant participated in the hearing. Audrey Peterson, Human Resources Assistant, participated in the hearing on behalf of the employer. Marilyn Lovejoy, Associate Relations Manager, observed the hearing.

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 men's department associate for Davenport Farm & Fleet from February 11, 2015 to February 18, 2015. She voluntarily left her employment because she felt the training was insufficient and the working conditions were unsafe.

The claimant did not feel she was adequately trained. The training manager was gone a portion of the week the claimant worked for the employer and she did not believe she was given adequate direction on what to do. She was also upset because some other associates walked around together talking instead of working or helping her. During one of the days the claimant worked the employer asked her to climb a ladder and organize blue jeans while the two other employees walked around and did not help her. The claimant felt the task was unsafe and the employer then gave her a carton of shirts to hang up.

The claimant initiated a conversation with management about switching to a cashier position and becoming a part-time employee which the employer agreed to do. The employer began training the claimant as a cashier but she was dissatisfied with that training as well. The claimant also had another part-time job and at the time of hire the employer agreed to work around her other job. When the claimant became a cashier she was assigned to a different supervisor. She was supposed to have every Saturday off so she could work her other job and

then work for the employer on Sundays. The claimant's new manager, Tom Tisue, wanted her to work as a cashier every other weekend. The claimant told him she could not do so and he was supposed to call her with her new schedule but did not do so. The claimant called him for three days but he did not return her phone calls. She called the store manager but he was out of town. Mr. Tisue told the claimant he would let the store manager know about the situation. When she did not hear from Mr. Tisue she went to the store February 27, 2015, but did not feel Mr. Tisue wanted to keep her as an employee and consequently she voluntarily left her employment.

On February 18, 2015, the claimant left for lunch and did not return. The employer considered her to have voluntarily quit by leaving without permission and failing to return to work.

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.

The claimant was upset about her training in the men's department and felt it was unsafe because the employer asked her to climb a ladder to arrange jeans, which was not an unreasonable request. When the claimant said she was uncomfortable doing so, however, the employer allowed her to perform another task. The claimant was also unduly concerned about the other two women in the men's department who were walking around and talking instead of helping to train her. There is no evidence those two employees were ever assigned to train the claimant or were responsible for her training.

The claimant asked to become a part-time cashier and the employer accommodated her request. She was also dissatisfied with that training and left for lunch February 18, 2015, and did not return to work. She did not contact the employer prior to leaving or after she left to notify it why she left. By doing so the claimant voluntarily left her employment without good cause attributable to the employer.

Under these circumstances, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer as she has not demonstrated that her leaving was for unlawful, intolerable, or detrimental working conditions as is required by Iowa law. Therefore, benefits are denied.

DECISION:

The September 8, 2015, reference 02, 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/pjs