

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAPPI MOSES

Claimant

APPEAL NO: 13A-UI-02060-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP LLC

Employer

OC: 01-06-13

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 14, 2013, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 19, 2013. The claimant participated in the hearing with her aunt/witness Anna Peacock. Sandy Anno, District Manager and Lori Bremer, Regional Human Resources Manager, 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 full-time assistant store manager for Dolgencorp (Dollar General) from December 15, 2001 to December 28, 2012. She voluntarily quit her job without notice December 28, 2012, citing her treatment by Regional Manager David Johnson December 27, 2012, as the sole reason for her leaving.

The heat in the store was not working for approximately two days, December 23 and 24, 2012. The claimant sent an email to several managerial personnel in the corporate office regarding the situation involving the lack of heat in the store. She sent the email because the store manager had sent an email to corporate two days earlier but the problem had not been resolved yet. The employer has a chain of command and expects employees to follow it. Rather than go immediately to the corporate office, the claimant should have contacted Regional Manager David Johnson but chose not to do so because she was upset. The heating system was repaired December 26, 2012. On December 27, 2012, Mr. Johnson called the store and spoke to the claimant to gain a better understanding of the details regarding the problem with the heat. She raised her voice in speaking to him and he raised his voice in return. He was not upset that the claimant bypassed him and went directly to the corporate office rather than following the chain of command but did want to gather more details about the heating system. It was not a disciplinary conversation but the claimant was upset by his tone of voice and felt the employer

disrespected her by not having the heat fixed faster. Because of that situation and conversation December 27, 2012, the claimant voluntarily quit the following day.

The claimant had exhausted her FMLA prior to transferring from an Iowa Dollar General store to the Lincoln, Nebraska, store November 17, 2012. She had talked to District Manager Sandy Anno earlier in December 2012 wondering if she could continue working due to emotional problems she had been experiencing since at least August 2012. She did not ask for any accommodations from the employer with respect to her health issues. She was supposed to take her medication with food between 8:00 and 9:00 a.m. but was often alone in the store at those times and stated consequently she could not take her medications on time and would have to wait until another employee arrived to take a 15-minute break to eat and take her medication.

The claimant stated she also felt stressed by the hours required by the employer. She said she was previously a store manager but stepped down to become an assistant store manager because the stress level was "way too high" and the employer required too much, such as expecting managers to work 60 to 70 hour weeks. She indicated that when she became an assistant store manager she was "lucky" to get 30 hours per week but always had enough hours to qualify for benefits. She tried to tell the store manager how to do the scheduling so she would not be left alone in the mornings but she would not listen to her. The claimant did not go above the store manager's head with her concerns, following the chain of command, because she had "given up" on the employer.

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. The claimant was upset about her conversation with Mr. Johnson December 27, 2012, and consequently quit her job without notice December 28, 2012, citing only Mr. Johnson's tone and the disrespect shown by the employer in not getting the heat fixed sooner as the reasons for her leaving. Mr. Johnson did not notify Regional Human Resources Manager Lori Bremer that he planned to issue a verbal or written warning to the claimant when he contacted her, which indicates the call was not disciplinary in nature but rather a fact seeking mission. Both parties became upset and raised their voices.

During the hearing, the claimant stated she was also upset about her schedule and felt she did not have the opportunity to take her medication at the scheduled time with the required food because the store manager scheduled her to open by herself. She said she tried to tell the

manager how to schedule to avoid that situation and the manager would not take her advice but the manager was under no obligation to schedule according to the claimant's instructions and had a responsibility to follow the employer's scheduling parameters. The claimant never told the employer she needed a 15-minute break each morning between 8:00 and 9:00 a.m. to take her medication with food.

The claimant also cited the stress of working for the employer. She worked for Dollar General for 11 years and it does sound like the hours per week were excessive when the claimant worked as a store manager. At the time of her resignation, however, the claimant was an assistant store manager and was scheduled around 30 hours per week. Even though she was scheduled enough hours to qualify for benefits, she was still dissatisfied with her schedule.

The claimant only cited one of the reasons listed above, her conversation with Mr. Johnson, when notifying the employer she was voluntarily quitting her job. She did not discuss the medication issue and ask the employer to accommodate her medication schedule or speak to the employer regarding the scheduling issues prior to leaving her employment. While the claimant was dissatisfied with Mr. Johnson and the work environment, she has not demonstrated that her leaving was due to unlawful, intolerable or detrimental working conditions to the extent required by Iowa law to constitute good cause attributable to the employer for her leaving. Therefore, benefits must be denied.

DECISION:

The February 14, 2013, 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/pjs