

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANE M METIVIER

Claimant

APPEAL NO: 14A-UI-05653-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

Employer

OC: 05/04/14

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Diane M. Metivier (claimant) appealed a representative's May 21, 2014 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Casey's Marketing Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 25, 2014. The claimant participated in the hearing. Michelle Fricke appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on June 5, 2013. She worked part time (15 - 20 hours per week) as a store employee at the employer's State Center, Iowa store. Her last day of work was a shift from the evening of April 13 into the morning of April 14, 2014.

The claimant's shift was scheduled to be done at about 6:00 a.m. Earlier that morning, at about 4:45 a.m., the store manager, Fricke, had come into the store and had questioned what the claimant had done all night because it appeared that the cooler had not been properly stocked.

At about 6:00 a.m. Fricke observed the claimant leaving the store and going to her vehicle after depositing some trash in the garbage. She followed the claimant and told the claimant she could not leave until she had finished the work stocking the cooler. Fricke estimated the remaining work would have taken about 20 minutes. The claimant indicated that she had already clocked out. Fricke told her she should go back in and clock back in to finish the work,

but the claimant responded, "I'm done" and left. Fricke took this as a quit on the part of the claimant. She later heard from another employee that the claimant was contemplating coming back to the store for a shift on April 16, so on April 15 she called the claimant and told her that the employment had ended because she had quit.

The claimant had a 12-year-old son at home and so had not wished to stay beyond the 6:00 a.m. shift time. However, she did not indicate this to Fricke on April 14 as far as giving any explanation as to why she could not stay another 20 minutes to finish the work.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, She is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. Leaving rather than performing work as instructed can be considered a voluntary quit. Rule 871 IAC 24.25(27). The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. Rule 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. Rule 871 IAC 24.25(21), (22). A quit through refusing to work past the end of a shift to complete a task as directed might be for good cause, but this is determined by evaluating both the reasonableness of the employer's request in light of all circumstances and the employee's reason for noncompliance. *Endicott v. Iowa Department of Job Service*, 367 N.W.2d 300 (Iowa App. 1985); *Woods v. Iowa Department of Job Service*, 327 N.W.2d 768 (Iowa App. 1982). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable or that the directive to work the additional time to complete the task was unreasonable or that her reason for refusal was more pressing. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's May 21, 2014 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of April 14, 2014, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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