

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KATHERINE M WAGNER
Claimant

FAMILY DOLLAR STORES OF IOWA INC
Employer

APPEAL NO. 15A-UI-00049-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/23/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 24, 2014, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 27, 2015. Claimant participated. Employer participated by Ronald Wallenberg and Elroy McConnell.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 25, 2014. Claimant quit work on November 26, 2014. Claimant had been demoted a week earlier with her pay and her hours decreased. Claimant argued that this pay decrease was the reason for her quitting. Employer stated that if claimant were to work the same 52 hours per week that she was supposed to work as a store manager that the pay would be equivalent to her pay previous to the demotion.

Claimant had a part-time photography job. This job took away from the hours she was available to work for employer. Employer had hired claimant as a salaried manager who was to work the hours necessary to keep her store in good order. Claimant was not completing stocking needs or general store cleanliness needs as were part of the duties of the store manager. This was believed to be because claimant was working the other job. The team handbook received by each employee states, "team members may not work on their own if it interferes with sales of goods at Family Dollar...Team members may not moonlight if working another job interferes with their employment at Family Dollar."

Claimant also had her husband working as an unpaid stocker at the store which caused the district manager great difficulties. As he was not an employee, liability issues could have been very troubling.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was no longer the store manager. Employer stated that claimant was able to do the job as a store manager to an adequate degree. But when claimant started working other employment more, her store suffered. Claimant's statements as to employer's reasons for removing her from the store manager position do not create good cause to quit employment. Claimant was able to work the same hours, including overtime hours, and earn the same pay as she had made as a store manager. Claimant chose not to accept this new position.

DECISION:

The decision of the representative dated December 24, 2014, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

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