

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER N COUSINS

Claimant

APPEAL NO: 10A-UI-15015-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

JET STOP – NEW LONDON INC

Employer

OC: 08/08/10

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(33) – Job Performance/Promotion Denial

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 14, 2010, reference 01, that held she voluntarily quit employment without good cause on August 4, 2010, and benefits are denied. A telephone hearing was held on January 31, 2011. The claimant participated. Brooke Lilley, HR Representative and Brad Petri, Store Supervisor, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began employment on August 9, 2007, and last worked for the employer as a full-time assistant manager on August 4, 2010. Due to financial considerations, the claimant's store went without a manager for about nine months. The claimant let the employer know she was interested in the store manager position should it become available.

On August 4, Supervisor Petri announced at a store meeting attended by claimant that it had hired a new manager effective August 5. The employer had hired the new manager on July 15, she was placed in training, but the employer delayed the announcement.

The claimant was upset that she had not been selected, announced she was done, got up and left the meeting, and turned in her key and clocked out. The claimant did not later contact Supervisor Petri that she wanted to continue working as an assistant store manager.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21) provides:

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:

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

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on August 4, 2010 due to being passed-over for a job promotion.

While it is understandable claimant was upset with being passed-over for a job promotion to manager, she could have continued employment in her current job. The employer had made no promise that claimant would be hired as manager. The claimant's words and actions at the August 4 meeting constitute a decision to quit employment. While claimant had a good personal reason for leaving, it is not a good cause attributable to the employer.

DECISION:

The department decision dated October 14, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on August 4, 2010. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css