

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREA L WHITE
Claimant

APPEAL NO: 14A-UI-10642-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KUM & GO LC
Employer

OC: 09/14/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 2, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit this employment for reasons that do not qualify her to receive benefits. The claimant participated at the October 31 hearing. Robert Ewald appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit this employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working in May 2013. She worked an average of 33 to 40 hours as a clerk. There were times she was only scheduled to work 15 to 22 hours, but the claimant would pick up extra hours during the week. The claimant did not complain about the number of hours the employer scheduled her to work.

The claimant had some performance issues, but she only received one written warning that occurred in January 2014. In August 2014, Ewald talked to or counseled the claimant about rude comments she had made to customers.

The claimant considered some of Ewald's comments offensive. She did not say anything to anyone until August 13. On August 13, Ewald's supervisor was in the store. The claimant reported problems she had with the way Ewald treated employees. She explained that she was tired of being yelled and cursed at. She reported some of Ewald's conduct that she considered offensive. The claimant understood her complaint about Ewald would be reported to the human resource department.

On August 14, Ewald had a manager's meeting and was not at the store. The claimant saw she was only scheduled to work 18 hours the next week. She assumed Ewald reduced her hours because he learned she had made a complaint about him to his supervisor. The claimant

assumed he would do something to her in retaliation for her complaint. After the claimant saw the schedule, she left a note indicating she was quitting. The claimant walked out in the middle of her shift.

Ewald did not learn about the claimant's complaint until after she walked out. Within a week of the claimant quitting, an employer's human resource representative called Ewald to investigate the claimant's complaint.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quits for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant quit because she incorrectly assumed Ewald knew the claimant made a complaint against him so he reduced the hours she was scheduled to work the next week. The claimant reported issues she had with Ewald on August 13 and the employer took reasonable steps to investigate her complaint. Ewald did not know the claimant had made any complaints about him until after quit and had walked off the job.

Even though the claimant asserted Ewald had guaranteed her a minimum of 33 hours a week, she had not complained in previous weeks when she had been scheduled 15 to 22 hours a week. Even though she was scheduled to work 18 hours, it would have been logical for her to assume she would be called to work more hours as she had done before.

The claimant voluntarily quit her employment because she made an incorrect assumption. She did not quit for reasons that qualify her to receive benefits. As of September 14, she is not qualified to receive benefits.

DECISION:

The representative's October 2, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. As of September 14, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs