

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JERRI KARR Claimant CASEY'S MARKETING CO Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 06A-UI-11202-BT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 10/29/06 R: 02 Claimant: Appellant (1)</div>
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Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Jerri Karr (claimant) appealed an unemployment insurance decision dated November 16, 2006, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Casey's Marketing Company (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 6, 2006. The claimant participated in the hearing. The employer participated through Marsha Marr, Area Supervisor. 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:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time assistant manager from April 13, 2004 through October 28, 2006 when she voluntarily quit because she did not like the work environment. She had problems with a particular supervisor but that supervisor had moved to another store well before the claimant quit. The claimant said the supervisor called the employees in her store and created problems. The area supervisor was unaware of any problems the claimant had with the former supervisor.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out when she walked out without notice on a Saturday morning and told the donut maker she was done. She quit because she felt a supervisor, who had left her store, treated her unfairly.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated November 16, 2006, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

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