

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SAMANTHA N BELGER**  
Claimant

**APPEAL 16A-UI-05486-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EYM KING OF IOWA LLC**  
Employer

**OC: 04/24/16**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(3) – Did Not Secure Other Employment  
Iowa Admin. Code. r. 871-24.25(27) – Rather than Perform Assigned Work

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 12, 2016, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on May 31, 2016. The claimant, Samantha Belger, participated and testified. The employer did not participate.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a shift leader from January 2015, until this employment ended on April 23, 2016, when she voluntarily quit.

On April 9, 2016, claimant gave her written notice of resignation to general manager, Michele Manders. The written notice stated that claimant was resigning because she wanted to find a job working with animals, felt she was not getting anywhere in her current position, and was frustrated that she was not getting more help. Claimant testified the employer was consistently short staffed, making it very difficult to work there. Claimant's resignation was effective April 23, 2016. Claimant continued to work throughout the remainder of her notice period.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(3) and (27) 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 § 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 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:

(3) The claimant left to seek other employment but did not secure employment.

(27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Claimant left employment with the employer for several reasons. Claimant wanted to find a job where she would be working with animals, but did not secure such employment prior to her resignation. Claimant was also frustrated with the lack of support she got at work due to the employer consistently being short staffed, making her job more difficult to perform. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

#### **DECISION:**

The May 12, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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