

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**SHARLETHA WIGGINS**  
Claimant

**CASEY'S MARKETING COMPANY**  
Employer

**APPEAL NO. 19A-UI-07123-B2**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/28/19**  
**Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated August 30, 2019, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held in-person on October 3, 2019. Claimant participated. Employer participated by Matthew McCleary.

**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 July 4, 2019. After that date, claimant was given no hours to work by employer. Claimant contacted the store manager to complain about the lack of hours, and the manager asked claimant to try and get her normal 20 hours a week from a newly hired co-worker. Claimant and the co-worker agreed to divide up his 40 hours. Claimant then went to work the hours she'd traded into and an assistant manager stopped her from working, stating she didn't have a manager's approval. Claimant explained that the store manager had approved the move, and attempted to contact the store manager. The manager would not pick up his phone or return claimant's calls.

The store manager did not wish to schedule claimant for any shifts until claimant had met with him and his assistant manager. The claimant asked that the district manager be involved with the meeting as she'd been bullied by the assistant manager in the past and said assistant manager had used racial slurs against claimant. The district manager above the store manager chose not to be involved in the meeting, and the store manager didn't want to talk over the phone. Claimant lived an hour away from work, and didn't want to drive to a meeting. The employer continued to not schedule claimant for shifts for the next month, and the claimant filed for unemployment.

The store manager stated that claimant was terminated on September 20, 2019 for tardiness and absenteeism. He stated claimant's most recent act of tardiness occurred in early June when her residence was flooded.

### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she wasn't given any hours to work for nearly a month after being given twenty hours a week throughout her tenure.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, an assistant manager wanted to remove hours from claimant. There was no specific reason why she chose to do so, but claimant made allegations of racism that she'd heard the assistant manager made about her to the store manager.

The decision of the representative dated August 30, 2019, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn