

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIN E HOFFMAN
Claimant

HY-VEE INC
Employer

APPEAL 20A-UI-12950-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/24/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On October 19, 2020, the claimant filed an appeal from the October 16, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 14, 2020. Claimant participated. The Employer participated through human resources manager Jackie Kuennen, and hearing representative Barbara Buss. No exhibits were admitted into the record.

ISSUES:

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 began working for employer on August 31, 2017 as a part time delicatessen technician. Claimant was separated from employment on May 15, 2020, when she voluntarily resigned.

Claimant notified her supervisor that she wanted to be taken off the work schedule because she had taken a summer internship at the Field of Dreams. Claimant never returned to work at Hy-Vee. Had claimant not voluntarily removed herself from the deli work schedule, continuing work would have been available to her. Claimant testified that she did not like a co-worker, Rod Smith and felt uncomfortable returning to work with him. Claimant did not report any concerns to Human Resources about Mr. Smith.

Employer did not participate in the fact finding interview through no fault of its own. Employer missed the phone call for the fact finding interview, but attempted to return the call within 30 minutes as instructed. Employer was unable to get in contact with Iowa Workforce Development.

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 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.

Iowa Admin. Code r. 871-24.25(28) 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:

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

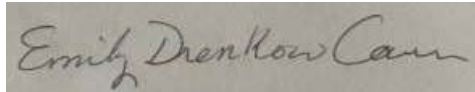
Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case, claimant was to begin an internship at the Field of Dreams. Claimant provided some testimony that she also did not want to work at Hy-Vee because of a problem she had with co-worker who she perceived as treating her unfairly. Claimant never brought previous concerns to the human resource department. Claimant had no sufficient explanation for why she didn't bring any concerns to the human resource department, as opposed to stop coming to work and resigning.

Claimant failed to establish she resigned for a good cause reason attributable to employer. Benefits are denied.

DECISION:

The October 16, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant is separated from the employment without good cause attributable to employer. Benefits are withheld until such time as she works in and has been paid wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515)478-3528

December 22, 2020
Decision Dated and Mailed

cal/scn

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.