

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**LINDA NUEHRING  
1013 S 8<sup>TH</sup> ST  
CLEAR LAKE IA 50428**

**CONVENIENCE MANAGEMENT  
SERVICES INC  
PO BOX 6117  
TEMPLE TX 76503-6117**

**MIKE GEVING  
1853 EASTERN STAR LOOP  
SAUX RAPIDS MN 56379**

**Appeal Number: 05A-UI-05244-ET  
OC: 04-03-05 R: 02  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving  
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 2, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 22, 2005. The claimant participated in the hearing. Mike Geving, District Manager, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The appeal in this matter was due May 12, 2005. The claimant filed her appeal May 13, 2005. She

moved after the fact-finder's decision was issued and consequently the Department did not have her most current address. Therefore she did not receive the decision as soon as she would have had she not moved and the administrative law judge concludes the claimant's appeal is timely.

The claimant was employed as a full-time salesclerk for Convenience Management Services from the week beginning November 22, 2004 to December 26, 2004. She quit without notice because she was upset about the lack of training and having to secure her own background check. The "last straw" came when another employee told the claimant that the manager was going to fire her so she could hire her "lesbian lover." The claimant did not speak to District Manager Mike Geving about her concerns or give the employer an opportunity to correct the problems prior to leaving without notice.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Inasmuch as the claimant did not give the employer an opportunity to resolve her complaints prior to leaving employment, the administrative law judge concludes the separation was without good cause attributable to the employer. Benefits are denied.

#### DECISION:

The May 2, 2005, reference 01, 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.

je/pjs