

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**WENDY R ROBINSON**  
Claimant

**APPEAL NO: 19A-UI-05367-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 06/02/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit  
871 IAC 24.27 - Voluntary Quit of Part-Time Employment

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 26, 2019, reference 01, which held that the claimant was eligible for unemployment insurance benefits based on wages earned with other employers and the account of this employer would not be charged. The claimant voluntarily quit her job. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 30, 2019. The claimant participated in the hearing. Peggy O'Brien, Human Resources Manager and Trenton Kilpatrick, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant's voluntary separation from her part-time 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 part-time cashier for Hy-Vee from December 5, 2018 through March 7, 2019. She voluntarily left her employment because she was upset the employer did not allow her to wear an unnatural color in her hair per the employer's policy and because the manager of the Market Grill talked to her about not doing her share of the work. The claimant complained to human resources that she did not want to work in the Market Grill so the employer transferred her to a position as a cashier.

On March 5, 2019, the claimant went to human resources ten minutes before the start of her shift to complain about her wage. She asked why she was not making more and was told \$10.10 was the standard wage if she had not worked for Hy-Vee before. The claimant was upset that she was not credited with previous cashier work for a different employer. She left human resources and the employer thought she went to her station but one hour later when the human resources manager called the front end manager to see if the claimant was okay she was told the claimant was a no-call/no-show. The claimant was also a no-call/no-show March 6 and March 7, 2019, and the employer determined she voluntarily quit her job.

## REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

Iowa Code § 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. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on Form 655323, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

This rule is intended to implement Iowa Code section 96.5(1)g.

The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code section 96.6-2. The claimant's claims of discrimination are not backed up by the evidence. The employer did not allow employees to have unnaturally colored hair. If dying it back could damage their hair the employer allowed them to wait until it grew out and they were not allowed to unnaturally color it again. That is not discrimination. When the claimant complained about working in the Market Grill the employer transferred her. The claimant quit by failing to call or show up for work for three consecutive workdays in violation of the employer's policy. She has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are denied.

However, an individual who quits part-time employment without good cause, yet is otherwise monetarily eligible based on wages paid by other base-period employers, shall not be disqualified for voluntarily quitting the part-time employment. Benefit payments shall not be based on wages paid by the part-time employer and charges shall not be assessed against the part-time employer's account. Once the individual has met the requalification requirements, the wages paid from the part-time employment can be used for benefit payment purposes. 871 IAC 24.27.

**DECISION:**

The unemployment insurance decision dated June 26, 2019, reference 01, is affirmed. The claimant voluntarily quit her part-time employment for disqualifying reasons. Therefore, the employer's account will not be charged. The claimant is monetarily eligible to receive benefits from other base period employers.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn