

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DEBRA RAY**  
Claimant

**US POSTAL SERVICE**  
Employer

**APPEAL 22A-UI-00479-JD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/20/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

On December 2, 2021, the claimant filed an appeal from the December 20, 2021, (reference 02) unemployment insurance decision that denied benefits based on an Iowa Workforce Development representative's determination that the claimant voluntarily quit her employment and that her quitting was attributable to her employer. The parties were properly notified about the hearing. A telephone hearing was held on January 26, 2022. Claimant, Debra Ray, participated and testified. The employer did not call the toll-free number listed on the notice of hearing and did not participate. The hearing was consolidated with appeal 2A-UI-00480-JD-T. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Did the claimant quit the employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on November 8, 2021. She was hired as a seasonal postal clerk. Claimant worked one day and then did not return. The claimant was dissatisfied with the location where she was directed to work and did not like her supervisor. The claimant also testified that she had been exposed to the Coronavirus and was unable to work for a period of time but made little effort to return to her employment after November 8, 2021. The claimant was notified on December 17, 2021, via U.S. mail that she was discharged.

**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:

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(21) 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:

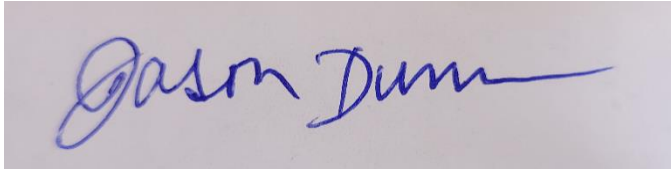
(21) The claimant left because of dissatisfaction with the work environment.

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).

The claimant's testimony was vague and inconsistent compared to the information she provided during her Fact-Finding interview. These inconsistencies strained the claimant's credibility. The claimant did not return to work after her first day because she was not happy with the shift she was working, the location of her assignment, and the directness of her supervisor. Her decision to not return to work after working one day was hers to make but in no way was attributable to her employer. Benefits are denied.

**DECISION:**

The December 20, 2021, (reference 02) 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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February 17, 2022  
Decision Dated and Mailed

jd/mh