

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>RUSSELL R WILLIAMS</b> Claimant  <b>CASEY'S MARKETING COMPANY</b> Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div><b>APPEAL NO: 13A-UI-07184-DT</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b></div> <div><b>OC: 05/26/13</b> <b>Claimant: Appellant (1)</b></div>
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Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Russell R. Williams (claimant) appealed a representative's June 12, 2013 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Casey's Marketing Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 22, 2013. This appeal was consolidated for hearing with one related appeal, 13A-UI-07185-DT. The claimant participated in the hearing. Penny Torczon appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The claimant started working for the employer on May 25, 2005. He worked part time as a pizza maker and donut maker. He normally worked from 10:00 a.m. to 1:00 p.m. on Wednesdays, Thursdays, and Fridays, and from 4:00 a.m. to 8:00 a.m. on Saturdays and Sundays. His last day of work was May 15, 2013. He voluntarily quit as of that date.

The claimant was upset about a number of conversations he had had with the store manager, Torczon, the most recent on that day of May 15. The claimant had left a nasty note for another employee; Torczon intercepted the note and told the claimant not to do that in the future. The claimant felt that Torczon was not being fair and was not dealing with the source of friction between the two employees. A few weeks earlier the claimant felt that Torczon had unfairly accused him of writing on a bathroom wall when she asked him if he had done the writing. He further felt that Torczon was not managing the store properly because she had not posted an actual work schedule since about mid-April, even though he continued to work on the same

pattern as had previously been the case. He was further concerned that the employer was not going to grant his request to change his availability to two days per week during the summer so that he could babysit his children during that time; Torczon had told him that she did not know if that would work or if his regular hours would still be made available to him after the summer was over.

After Torczon reprimanded the claimant on May 15 for leaving the note for the other employee, the claimant decided to quit, and did so.

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

If the claimant voluntarily quit her employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a coworker or manager is not good cause. 871 IAC 24.25(6), (21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Rather, his complaints do not surpass the ordinary tribulations of the workplace. The claimant has not satisfied his burden. Benefits are denied.

#### **DECISION:**

The representative's June 12, 2013 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of May 15, 2013, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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