

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD W LEE
Claimant

APPEAL NO: 18A-UI-05592-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 04/22/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 8, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 5, 2018. The claimant participated in the hearing. Glenda Bielenberg, Human Resources Manager; Matt Hildebrand, Store Director; Bob Townsend, Assistant Store Director; and Bruce Burgess, Employer Representative, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time night stock clerk for Hy-Vee, Inc. from March 13, 2012 to April 4, 2018. He voluntarily left his employment because he felt he was "getting the runaround."

On March 28, 2018, the claimant told his supervisor his blood sugar was low and he was allowed to leave but was told not to return until the store director called him. The claimant was scheduled March 31, April 2 and April 4, 2018, and did not call in to ask about his job status. The claimant called the employer April 4, 2018, and told the third shift manager he was quitting because he was "getting the runaround." The employer had continuing work available.

REASONING AND CONCLUSIONS OF LAW:

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

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.

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(1). 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.

The claimant chose to voluntarily quit his job April 4, 2018, because he felt he was “getting the runaround.” The claimant did not try to contact the employer to ask about the status of his job after going home March 28, 2018, and being told the store director would call him and he should not return prior to that time. Instead he voluntarily quit his job without attempting to call the employer when he did not hear from the store director, who was never told by the claimant’s supervisor about the situation or that he needed to call the claimant. It would not have required any more effort on the part of the claimant to ask for the store director or human resources and find out if he could return to work when he called April 4, 2018, than it did to say he was quitting his job. The store director is responsible for numerous employees and a myriad of issues regarding the store. Rather than assume he was “getting the runaround” from the employer, the claimant might have assumed the store director did not get the message, was out of the store, or was extremely busy.

Under these circumstances, the administrative law judge must conclude the claimant has not demonstrated that his leaving was for good cause attributable to the employer, as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The May 8, 2018, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn