

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LINDA TAYLOR**  
Claimant

**APPEAL NO: 10A-UI-11559-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MILLARD REFRIGERATED SERVICES INC**  
Employer

**OC: 07-11-10**  
**Claimant: Appellant (1)**

Section 96.5-1 –Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the August 9, 2010, 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 October 6, 2010. The claimant participated in the hearing. Brett Brownmiller, Superintendent; Dan Olhausen, Assistant General Manager/Office Manager; and Warren Gregg, General Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time clerk for Millard Refrigerated Services from April 17, 2006 to July 14, 2010. She was upset about the printer being broken July 14, 2010, and complained to Assistant General Manager/Office Manager Dan Olhausen about the situation. He notified her it had contacted a repair company and the part was being sent overnight. The claimant sighed heavily, dropped her shoulders and went into the office. Mr. Olhausen went into the office shortly thereafter and the claimant wanted to know whether she had to work on Saturday and Mr. Olhausen told her it definitely looked like it. A couple years ago, the employer initially requested volunteers to work Saturday but when no one volunteered, it required everyone to work once a month. Four people rotated on Saturdays and Mr. Olhausen picked up the second shift and Sundays. The employer had been very busy so there had been a lot of work on Saturday. It had always been an issue with the claimant. She began yelling that Saturday would not work for her since she just got through with problems with one grandchild and another grandson was coming from Texas. She became louder and louder and Mr. Olhausen never raised his voice but simply said “wow” at the end of her tirade. He further stated that he could not work all shifts for everyone. General Manager Warren Gregg, who was in a nearby office and Superintendent Brett Brownmiller who was in the outer office, both could hear the claimant yelling but did not hear Mr. Olhausen respond in kind. The claimant clocked out and left without returning.

## 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.

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. In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out when she clocked out and walked off the job July 14, 2010. She was upset about working Saturdays but had been working Saturdays for several years. The court held that a claimant's resignation seven months after a substantial change in the contract of hire was a disqualifiable event because the claimant was held to have acquiesced in the changes. Olson v. Employment Appeal Board, 460 N.W.2d 865 (Iowa App. 1990). The claimant became upset about having to work Saturday and yelled at Mr. Olhausen before walking off the job. She did not go to Mr. Gregg to complain about the situation or to tell him Mr. Olhausen yelled at her as she testified although Mr. Gregg was in the next room and could hear the claimant, but not Mr. Olhausen, yelling. Under these circumstances the administrative law judge concludes the claimant voluntarily quit her job and has not demonstrated that her leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

**DECISION:**

The August 9, 2010, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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