

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHEYENNE J. BROWN**  
Claimant

**WESTAR FOODS INC.**  
Employer

**APPEAL 21A-UI-10160-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/14/21  
Claimant: Appellant (1)**

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Iowa Code §96.5(2)a-Discharge/Misconduct  
Iowa Code §96.5(1)- Voluntary Quit

**STATEMENT OF THE CASE:**

On April 12, 2021, the claimant/appellant filed an appeal from the April 7, 2021, (reference 01) unemployment insurance decision that disallowed benefits based on claimant voluntarily quitting because dissatisfied with work conditions. The parties were properly notified about the hearing. A telephone hearing was held on June 25, 2021. Claimant personally participated in the hearing. Employer participated through employer representative Tim Speir and witness Doug Gardner, the district manager for the employer.

**ISSUE:**

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked off and on for employer but resumed working for the employer on February 15, 2021. Claimant last worked as a full-time team member. Claimant was separated from employment on March 15, 2021, when she voluntarily quit.

Claimant went to work on March 13, 2021. When she arrived she did not feel well. Claimant took her shift leader home and then went to claimant's home to take her temperature. When she got home her temperature was 101 degrees. Claimant called to make an appointment with her doctor and her mother sent a text to claimant's supervisor, Samantha Gyles, informing her that the claimant was going to the doctor. Claimant did not return to work.

On March 15, 2021, the claimant returned to work. During her shift claimant was asked by her supervisor to sign a written warning for her absence on March 13<sup>th</sup>. Ms. Gyles reprimanded claimant for not returning to work after the doctor's appointment. Claimant became upset because Ms. Gyles mistakenly thought claimant took her daughter to the doctor and would be returning to work. This was wrong and claimant was actually the one that was sick and claimant thought she should be excused for the absence. Claimant also became upset because the warning said that

it was a final warning. The employer was not going to fire the claimant at that time. She would be terminated if she received another written warning.

Ms. Gyles asked claimant to sign the written final warning. Ms. Gyles also made the comment that claimant was making her life a "living hell." While claimant signed the written warning she replied: "hopefully your life won't be a living hell anymore." Claimant then left work. While claimant was leaving Ms. Gyles asked her if she was quitting. Claimant did not respond. The employer expected that claimant would return to work however claimant did not return to work.

### **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 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.

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

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).

Claimant voluntarily left her employment. Claimant was unhappy for being reprimanded for the supervisor's mistake. Claimant was unhappy with the work environment and did not like working with her supervisor. While claimant's leaving may have been based upon good personal reasons,

it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The April 7, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Unemployment insurance benefits shall be withheld in regards to this employer until such time as claimant is deemed eligible.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

July 7, 2021  
Decision Dated and Mailed

cs/mh

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.