

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HALEY BISHOP
Claimant

CONSUMER SAFETY TECHNOLOGY LLC
Employer

APPEAL 19A-UI-04474-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/12/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On May 31, 2019, the claimant filed an appeal from the May 30, 2019, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment. The parties were properly notified of the hearing. A telephonic hearing was held on June 26, 2019. The claimant, Haley Bishop, initially participated in the hearing. Claimant disconnected as questioning was beginning, and the administrative law judge was unable to reconnect her for the hearing. The employer, Consumer Safety Technology, L.L.C., participated through Samantha Stupka, Human Resources Business Partner; and Travis Krizer, Customer Experience Manager. Employer's Exhibits 1 through 4 were received and admitted into the record without objection.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a customer experience associate, from October 22, 2018, until February 25, 2019, when she quit. Claimant quit effective immediately by sending an email to her supervisor, Travis Krizer. Claimant stated that she was quitting due to stress. Krizer knew that claimant also had a lot going on in her personal life.

The employer granted claimant paid time off for various things during her employment. The employer denies that it refused to allow claimant paid time off related to her OB/GYN appointments.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment. Benefits are withheld.

Iowa Code §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.

...

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

...

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

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). In this case, claimant did not present any evidence indicating she quit because of the employer. The resignation letter states that claimant quit because of stress.

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 submitted her resignation letter and quit her job immediately. The administrative law judge finds that claimant's separation was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The May 30, 2019, (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn