

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELTISHA D CRAWFORD**  
Claimant

**APPEAL NO: 18A-UI-07574-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES MOINES IND COMMUNITY SCH DIST**  
Employer

**OC: 06/17/18**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 6, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 2, 2018. The claimant participated in the hearing. Rhonda Wagoner, Benefits Specialist and LaShone Mosley, Director of Transportation, participated in the hearing on behalf of the employer. Employer's Exhibits One and Two were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her 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 bus driver for Des Moines Independent Community School District from August 29, 2016 to May 24, 2018. She voluntarily left her employment because she was concerned her employment would be terminated.

At the time of hire, the claimant was expected to start work at 7:00 a.m. but the claimant had an agreement with the previous director of transportation to start at 7:30 a.m. because of daycare issues. That director of transportation left and another came and went and then LaShone Mosley became Director of Transportation. On February 8, 2018, Ms. Mosley issued the claimant a written warning for attendance and tardiness and failing to follow the proper call in procedures on several occasions (Employer's Exhibit Two). The warning noted that the claimant's start time was 7:15 a.m. and that on November 15, 2017, the claimant was a no-call/no-show by calling at 7:23 a.m., after her start time, and stating she overslept. The claimant was considered a no-call/no-show January 10, 2018, when she called in at 7:20 a.m. and said she was running late. Her start time was changed to 7:00 a.m., January 29, 2018. She was considered a no-call/no-show January 29, 2018, when she arrived at 7:25 a.m. The claimant left a voice mail saying she would not be there for her afternoon shift January 29, 2018, and failed to follow proper call in procedure of speaking directly to a supervisor. She was

considered a no-call/no-show February 1, 2018, when she arrived at 7:22 a.m. The claimant called off for her afternoon shift February 5, 2018, without proper notice and without any leave time left. She called in and said she had an emergency without providing any details and without any leave time left. The warning stated the issues were tardiness, unauthorized or excessive absences from the job assignment; not clocking in by the scheduled time; not entering leave in the NovaTime system to track usage in a timely manner; and not following the call in procedures when not coming to work on time (Employer's Exhibit Two). The claimant did not tell Ms. Mosely she had an agreement with the previous directors of transportation to come in at 7:30 a.m.

On May 11, 2018, the claimant called the employer at 7:00 a.m. to say she was running about 15 minutes late but did not arrive until 7:40 a.m. (Employer's Exhibit One). On May 22, 2018, the claimant was a no-call/no-show (Employer's Exhibit One). The employer had not heard from the claimant by 11:00 a.m. and covered her afternoon route also (Employer's Exhibit One).

On May 23, 2018, a supervisor sent the claimant to see Ms. Mosely, who had not requested a meeting with the claimant. The claimant had been working with a new bus driver the last few weeks and he had begun to leave without her when she was late which was frustrating the claimant because she was not getting many hours. She told Ms. Mosely because she already received a written warning and due to personal issues, she thought she should resign rather than have a termination on her record. The employer had no plans to terminate the claimant's employment at that time and Ms. Moseley told the claimant the decision to resign was hers to make. Ms. Mosely then informed the claimant there was a form online if she wished to resign and the claimant completed the form stating she was leaving her employment effective May 23, 2018.

#### **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 § 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.

While the claimant may have had an agreement about starting at 7:30 a.m. instead of 7:15 a.m. with a previous director of transportation, it was not documented and Ms. Mosely was not aware of an agreement. Additionally, the claimant did not mention an agreement to Ms. Mosely either during the meeting when she was issued a written warning February 8, 2018, or when she

spoke to Ms. Mosley and decided to resign May 23, 2018. The claimant was frustrated because the new bus driver she was riding with was leaving on the route without her when she was not on time and consequently the claimant was missing out on several hours per week when she was late.

The claimant thought there was a possibility the employer was going to terminate her employment and decided to resign rather than face termination. However, the employer had no plans to discharge the claimant, especially in light of the fact there was only one week of school left.

The claimant was dissatisfied with the work environment and was concerned her employment might be terminated. Consequently, she chose to resign her position with the school district. She has not demonstrated that her leaving was for unlawful, detrimental, or intolerable working conditions or attributable to the employer. Therefore, benefits must be denied.

**DECISION:**

The July 6, 2018, 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

je/scn