

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAFRENGA L RICHARD
Claimant

APPEAL NO. 11A-UI-11437-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PILOT TRAVEL CENTERS LLC
Employer

**OC: 07/31/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

LaFrenga L. Richard filed a timely appeal from an unemployment insurance decision dated August 25, 2011, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held September 22, 2011 with Ms. Richard participating. General Manager Louis Masters participated for the employer, Pilot Travel Centers.

ISSUE:

Did the claimant leave employment with good cause attributable to the employer?

FINDINGS OF FACT:

LaFrenga L. Richard was employed by Pilot Travel Centers from July 5, 2010 until she resigned on or about July 24, 2011. She worked full time as a shift manager with rotating hours. Ms. Richard resigned because her employment conflicted with her class schedule at the University of Phoenix. At the time of resignation she had an on-campus class that lasted from 9:00 a.m. until noon on Wednesdays and she was required to log in for a group on-line class from 2:00 p.m. to 4:00 p.m. on Tuesdays and Thursdays. Ms. Richard also resigned because of conflicts with coworkers and with William Thinn, the general manager at the time.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in this record establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The administrative law judge notes at the outset that the testimony of these witnesses is in conflict. It has been particularly difficult to establish a timeline of events. Ms. Richard testified that she submitted a letter of resignation as of July 24, 2011 but later stated that she was on a medical leave of absence after that week. The employer indicated in its protest that the separation occurred because Ms. Richard failed to report to work on August 4, 2011. Despite this, Mr. Masters testified that Ms. Richard had signed a warning letter on that date.

As best as the administrative law judge can piece these conflicting stories together, the two constant themes are that the employment interfered with Ms. Richard's schooling and that she was involved in an ongoing conflict with her coworkers. Resignation under such circumstances is considered to be without good cause attributable to the employer. See 871 IAC 24.25(26), (6) and (22). Benefits are withheld.

DECISION:

The unemployment insurance decision dated August 25, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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