

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JILL E COTE
Claimant

APPEAL NO. 10A-UI-07389-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GMRI INC
Employer

OC: 04/18/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jill Cote filed an appeal from a representative's decision dated May 11, 2010, reference 01, which denied benefits based on her separation from GMRI, Inc. After due notice was issued, a hearing was held by telephone on July 8, 2010. Ms. Cote participated personally. The employer participated by Teresa Hutt, General Manager.

ISSUE:

At issue in this matter is whether Ms. Cote was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Cote was employed by GMRI, Inc., doing business as Olive Garden, from November 25, 2006 until April 18, 2010. She was last employed as an "alley coordinator." On the evening of Sunday, April 18, she received a text message from her niece, who also worked for the employer, indicating that Ms. Cote had been scheduled to work that evening.

Ms. Cote contacted her manager and disputed that she was scheduled to work that day. The manager indicated that she had not read the schedule closely enough and that she was scheduled to be at work. The manager wanted to meet with her the following day to discuss her schedule. Instead, Ms. Cote indicated that she would not be returning to work. Her decision was based primarily on personal issues that were occurring in her life at that time. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The administrative law judge cannot conclude that there was an agreement not to schedule Ms. Cote to work on Sundays. Even if there had been such an agreement, the fact

that she was scheduled on Sunday, April 18, would not, in and of itself, constitute good cause attributable to the employer for quitting. Ms. Cote quit without first giving the employer an opportunity to resolve whatever work-related matters played a part in her decision to quit. She declined the opportunity to meet with her manager on April 19 to discuss her work schedule.

After considering all of the evidence, the administrative law judge concludes that Ms. Cote's quit was not for good cause attributable to the employer. The fact that she had personal problems occurring in her private life would not constitute cause attributable to the employer. For the reasons stated herein, benefits are denied.

DECISION:

The representative's decision dated May 11, 2010, reference 01, is hereby affirmed. Ms. Cote voluntarily quit her employment with Olive Garden without good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs