

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH A DOWNS**  
Claimant

**APPEAL NO. 07A-UI-05032-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLGENCORP INC**  
**DOLLAR GENERAL**  
Employer

**OC: 04/29/07 R: 02**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Deborah Downs, filed an appeal from a decision dated May 15, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 4, 2007. The claimant participated on her own behalf. The employer, Dollar General, participated by Store Manager Lynn Marlett.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Deborah Downs was employed by Dollar General from May 7, 2001 until April 27, 2007, as a part-time lead sales associate, working an average of 28 hours per week. Lynn Marlett was scheduled to take over as the store manager the first week of May 2007, but had not assumed her duties at the time the claimant quit. Ms. Downs had talked with Ms. Marlett to request fewer hours each week because she was in danger of losing her Title 19 insurance coverage if she earned too much money and the cost of her medication had increased. Ms. Marlett said she would address the matter when she assumed control of the store the first week in May 2007.

On April 27, 2007, the schedule for April 28 through May 5, 2007, had been posted, and Ms. Downs was scheduled for 28 hours. The schedule had been prepared by Ms. Marlett and the District Manager Bergen Burnett. The claimant's hours would have been reduced the week beginning May 6, 2007, when the new assistant manager came on board, but Ms. Downs elected to quit immediately rather than discuss the matter further with the store manager or district manager. The claimant had not given the employer any deadline by which her hours needed to be reduced nor had she explained with any precision exactly why they needed to have fewer hours.

**REASONING AND CONCLUSIONS OF LAW:**

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 claimant's main motivation in quitting her job was to avoid earning too much money which would disqualify her from receiving social security benefits. Under the provisions of 871 IAC 24.25(31) this does not constitute good cause attributable to the employer for quitting. The claimant is disqualified.

**DECISION:**

The representative's decision of May 15, 2007, reference 01, is affirmed. Deborah Downs is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css