

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANNA L NEWBY
Claimant

APPEAL NO. 07A-UI-01532-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BOESEN THE FLORIST LLC
Employer

OC: 01/14/07 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated February 5, 2007, reference 01, which denied benefits based upon her separation from Boesen The Florist LLC. After due notice was issued, a hearing was scheduled for and held on February 27, 2007, via telephone conference call. The claimant participated. Although notified, the employer did not participate.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all the evidence in the record, finds: The claimant worked for this employer from approximately July 2005 until January 12, 2007, when she voluntarily left her employment for personal reasons. Ms. Newby held the position of manager for an employer location located in a Dahl's supermarket. The claimant gave her notice of intention to leave employment after an unknown individual left a note on the claimant's automobile indicating that the claimant should park in the proper place "or else." The claimant believed that she was parking in a proper location. The claimant received no further notes or any other mention of her parking spot during the two-week notice period that she had provided to her employer. The claimant's supervisor had assured the claimant that she was parking her vehicle in a proper spot. On the day of the claimant's leaving, a company customer disagreed with a management decision to charge her for some services that the employer believed they were not responsible for.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence in this case fails to establish that the claimant voluntarily quit for good cause attributable to the employer. In this case, the evidence establishes that Ms. Newby received a note on her personal automobile critical of her choice of parking spots. The claimant chose not to park in a different area that was reserved Dahl's employees and the claimant received no additional notes during the following two weeks

although she continued to park in the same spot. The administrative law judge finds that complaints by dissatisfied customers are not unusual in retail establishments. The administrative law judge finds that the claimant's primary reason for leaving her employment was related to personal matters that were not attributable to the employer.

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.

For the reasons stated herein, the administrative law judge concludes that the claimant has not quit for good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated February 5, 2007, reference 01, is hereby affirmed. The claimant quit employment for reasons that were not attributable to the employer. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for ensured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw