

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BECKY J BEAVERS
Claimant

APPEAL 16A-UI-07178-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEYS MARKETING COMPANY
Employer

OC: 06/05/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(27) – Quit Rather Than Perform Assigned Work

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 23, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on July 18, 2016. The claimant, Becky J. Beavers, participated. The employer, Casey's Marketing Company, participated through Sonia Carlson. Claimant's Exhibit A and Employer's Exhibits 1 through 3 were received and admitted into the record without objection.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as an assistant manager (second) from January 4, 2016, until this employment ended on June 7, 2016, when she quit.

On claimant's final day, she came in to attend a mandatory meeting. During this meeting, Carlson announced that claimant's coworker, and not claimant, had been promoted to the open first assistant manager position. The employee who was promoted is consistently late and has had several customer complaints, as recently as June 4, 2016. Claimant believes the promotion should have been hers. After the meeting, claimant placed her work keys and other work property on her desk and then she left and did not return. Continued work was available.

Claimant testified that she had also been subjected to verbal abuse and a hostile work environment. One of these employees told one of the regular customers that claimant was a horrible manager and was stupid. Claimant reported this to Carlson. Carlson said she would talk to this employee. Claimant does not know if Carlson ever talked to this employee about the

issue. On March 28, claimant was on the register. Carlson came up to claimant and asked if there was a reason she did "this." She told claimant to finish helping the customer and then address her question. On two occasions, claimant's son walked in and heard employees talking poorly about claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment without good cause attributable to her employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25(27) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Here, claimant chose to quit her employment after one of her coworkers was promoted instead of her. While claimant described multiple issues she had with her coworkers' behavior, it does not appear that her coworkers were the true cause of her decision to end her employment. Rather, claimant's decision to abandon her job was an immediate reaction to the news of her coworker's employment. Claimant's decision to leave her employment is not fairly attributable to her employer.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant left her keys and other work property at the store and she walked out on her shift. Claimant never returned to work. Claimant's decision to quit because she did not agree with the supervisor about various issues was not for a good cause reason attributable to the employer. Benefits are withheld.

DECISION:

The June 23, 2016, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Elizabeth Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/pjs