

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DESIRAI N WRIGHT
Claimant

CBE COMPANIES INC
Employer

APPEAL NO. 16A-UI-07623-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/01/16
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 1, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 28, 2016. Claimant participated. Employer participated by Mary Phillips and Jason Ranschau. Claimant's Exhibits A and Employer's exhibit 1 were admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 13, 2016. Claimant quit her work because of her illnesses which were bronchitis related and the stress of the job.

Claimant stated that she went to her supervisor prior to quitting. She stated that she was ill often. Employer stated that they were working with claimant to switch her to a part time position. Claimant stated that employer's rules regarding illnesses and excused sick days added to claimant's stresses.

Employer stated that there was ongoing work available for claimant. Employer stated that claimant had approximately 30 points accumulated through the company's progressive discipline program. 50 points would be needed prior to a termination. Claimant had not even received a written warning for her absences. She would have received a warning at 30 points, and at 40 points prior to being terminated at 50 points.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was stressed about the employer's policies on absences.

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.

“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. Industrial Relations Commission, 277 So.2d 827 (Fla. App. 1973). Each case must turn around its own facts. Wolfe v. IUCC, 232 Iowa 1254 7 N.W.2d 799 (Iowa 1943). Good cause was not shown in this matter. Claimant's stresses were both from her family, and stresses that claimant shared with coworkers.

Claimant did not produce any documentation from doctors' visits prior to her quit. The only letter presented to the administrative law judge was a letter from a visit that occurred three months after claimant's quit. Claimant asked to be reduced to part-time hours, and employer was moving claimant to those hours.

DECISION:

The decision of the representative dated July 1, 2016, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs