

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA M WOOD
Claimant

APPEAL NO: 15A-UI-03843-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

OC: 02/15/15
Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

Angela M. Wood (claimant) appealed a representative's March 12, 2015 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Target Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 1, 2015. The claimant participated in the hearing. Kelsey Staten appeared on the employer's behalf. One other witness, Dave Arends, was available on behalf of the employer but did not testify. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision modifying the representative's decision and allowing the claimant benefits.

ISSUE:

Did the claimant voluntarily quit, and if so is he disqualified from receiving unemployment insurance benefits?

FINDINGS OF FACT:

The claimant's last day of work for the employer was on or about November 18, 2014. She voluntarily left the employment as of that date because of dissatisfaction with the employment. She did have other employment at the time of her separation, in which she continued to work after November 18, 2014. She established a claim for unemployment insurance benefits effective February 15, 2015 because of a reduction in hours in that other employment.

Her weekly benefit amount was calculated to be \$156.00. After November 18, 2014 but before February 15, 2015 she earned at least \$1,560.00 in that other employment.

REASONING AND CONCLUSIONS OF LAW:

Rule 871 IAC 24.25 provides that, 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 claimant did express her intent not to return to work with the employer. A voluntary leaving of employment requires

an intention to terminate the employment relationship. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would normally be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code §96.6-2. Leaving because of a dissatisfaction with the work environment is not good cause. Rule 871 IAC 24.25(21). The claimant has not satisfied her burden.

Iowa Code § 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

[Emphasis added.]

The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed if the claimant is otherwise eligible, and the account of the employer shall not be charged.

DECISION:

The representative's March 12, 2015 decision (reference 02) is modified in favor of the appellant. The claimant voluntarily left her employment without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs