

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARON M HENKEL
Claimant

APPEAL NO. 08A-UI-06485-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMMESA INC
PROFESSIONAL TOUCH CLEANING SVCS
Employer

OC: 06/15/08 R: 04
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Sharon Henkel filed an appeal from a representative's decision dated July 10, 2008, reference 01, which denied benefits based upon her separation from Ammesa Inc. After due notice was issued, a hearing was held by telephone on August 11, 2008. Ms. Henkel participated personally. The employer participated by Tammy Orr, Mark Jett, Annette Snyder and Annie Bailey.

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 of the evidence in the record, finds: The claimant worked for this employer from January 2007 until May 30, 2008, when she voluntarily left employment due to general dissatisfaction with her employer. The claimant was employed as a full-time cleaner and was supervised by Annette Snyder and Mark Jett.

Ms. Henkel left her employment on May 30, a date that was agreeable to both parties, because of dissatisfaction with delay in receiving her pay previously because the claimant had been absent on payday and was required to wait until the following week for payment, per company policy. Ms. Henkel was also dissatisfied because of a pay dispute with her immediate supervisor over one-half hour that the claimant felt justified in claiming pay when she was delayed in finding a "dumpster" at an apartment complex that she was unfamiliar with. This same evening, however, the claimant's supervisor had been required to deliver a spare set of keys to the claimant because Ms. Henkel had "forgotten" her keys. The claimant's supervisor apparently concluded that any delay in Ms. Henkel's completing her duties that night was due to her own conduct. Prior to tending her resignation from employment Ms. Henkel did not make her dissatisfaction to the attention of upper management, did not participate in an exit interview, nor place any comments with respect to any dissatisfactions on her exit report. It appears that

after the claimant's leaving upper management became aware of the basis for Ms. Henkel's leaving and issued the claimant a check for a portion of the one-half hour pay dissatisfaction.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Henkel quit her employment for good cause attributable to the employer. It does not.

The evidence in the record clearly establishes that Ms. Henkel was dissatisfied because initially her pay had been delayed due to the claimant's nonattendance on a payday some weeks before she left her employment. Under established company policies employees who are not present on paydays are not issued their paycheck but are required to wait until early the following week. The claimant's dissatisfaction increased when the claimant felt that she was entitled to a one-half hour extra pay on one evening because she could not locate a dumpster in a complex that she was unfamiliar with. The evidence establishes, however, that any delay in completing her duties that night was caused in part by the claimant's failure to bring keys to the worksite as required by policy.

Although dissatisfied the evidence does not establish that Ms. Henkel took her dissatisfaction to upper management in an attempt to resolve the problem and to remain employed. The claimant had not been approved in advance for extra time on the night in question by her supervisor. The claimant was aware that is she disagreed with a supervisor's decision in a matter she was free to bring the issue to the attention of upper management for resolution. The claimant did not do so and did not attend an exit interview or place any comments on her exit interview report to indicate any matter to upper management the basis of her leaving. The employer was thus precluded from making any changes or accommodations which would have allowed Ms. Henkel to remain employed. The evidence in the record establishes that May 30, 2008 was set as the claimant's final day. The administrative law judge thus concludes that that date was mutually acceptable to both the claimant and her employer.

The question in this case is not whether Ms. Henkel had a right to quit her employment or whether her reasons were compelling from a personal viewpoint. The question before administrative law judge is whether good cause has been established for leaving for reasons that were attributable to the employer. The administrative law judge concludes that the employer had followed established policy by delaying a previous paycheck because the claimant had not been present on payday to claim it and that the claimant had not been for extra time because it had not been previously approved. The claimant did not follow a reasonable course of action by alerting upper management to her dissatisfaction before relinquishing her position with the company.

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 left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated July 10, 2008, reference 01, is hereby affirmed. The claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, providing that she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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