

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN E SANCHEZ

Claimant

HEALTHCARE SERVICES GROUP INC

Employer

APPEAL NO. 12A-UI-09461-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/08/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dislike of Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated August 1, 2012, reference 01, that held she voluntarily quit without good cause on July 12, 2012, and benefits are denied. A hearing was held on August 30, 2012. The claimant participated. The employer did not participate.

ISSUE:

The issue is whether the claimant voluntary quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds that: The claimant worked as a full-time cook for the employer beginning June 9, 2010 and last worked on July 12, 2012. When claimant reported to work on her last day, she found thawed meat and other food products in the freezer. She brought this to the attention of her supervisor but no action was taken.

Claimant did not believe it was prudent to cook any of the freezer, food-product and did not do so. She told her supervisor before leaving work she was quitting but did not tell her why. The employer failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes that the claimant voluntarily quit without good cause attributable to her employer when she left her job on July 12, 2012 due to a dislike of the work environment.

While claimant had a right to be concerned about cooking food product that had thawed in the employer freezer, she was not disciplined for her decision not to do so. While she quit employment for a good personal reason, it was without notice, and explanation to the employer and not a good cause attributable to it.

DECISION:

The decision of the department representative dated August 1, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on July 12, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs