

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

VICKI L YORK
124 – 12TH ST
BOONE IA 50036

COUNTRY KITCHEN OF BOONE
1703 S STORY
BOONE IA 50036

Appeal Number: 04A-UI-01072-H2T
OC 12-21-03 R 02
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 22, 2004, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on February 23, 2004. The claimant did participate. The employer did participate through Kirk Schappaugh, Owner.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as an assistant manager full time beginning April 1991 through December 22, 2003 when she voluntarily quit. The claimant quit because she could not work with the new owner's wife, Tammy. The claimant never complained about the owner's wife to

the owner Mr. Schappaugh. The claimant was unhappy with the decision the owners made to fire some of the employees. Had the claimant not quit, continued work was available for her.

REASONING AND CONCLUSIONS OF LAW:

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

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2 (amended 1998).

The claimant was obliged to notify the employer of a work-related problem prior to quitting and to give the employer an opportunity to address the problem. Swanson v. Employment Appeal Board, 554 N.W.2d 294 (Iowa 1996). The claimant quit because she was unhappy with security measures instituted by the employer as well as because of a personality conflict with the new owner's wife. The claimant never voiced or raised her complaints with the owner prior to quitting. Her leaving was without good cause attributable to the employer. Benefits are denied.

DECISION:

The January 22, 2004, reference 01, decision is reversed. The claimant voluntarily left her 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.

tkh/b