

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STACIE L DIDIER
Claimant

TITAN OUTDOOR CARE LLC
Employer

APPEAL 20A-UI-12182-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Stacie L. Didier, filed an appeal from the September 24, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 30, 2020. The claimant participated personally. The employer, Titan Outdoor Care LLC., participated through Corey Sedrel, owner.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a staff member and was separated from employment on May 28, 2020, when she quit the employment without notice. Continuing work was available.

Claimant worked for Titan Outdoor Care LLC last summer. She also rented a room from Mr. Sedrell. Prior to this most recent period of employment, claimant was working at Taste to Go and for Steve Muma. Due to the COVID-19 pandemic, claimant’s hours were significantly reduced for those employers so she began employment with this employer.

When claimant was hired, she and Mr. Sedrell discussed that she would be full-time until she was able to resume her old hours at the other employers, and then she could drop to part-time hours. No date or exact arrangement was discussed.

Around May 25, 2020, claimant told employer she was planning to return back to her jobs and would be dropping down part-time. Claimant had suggested to employer that they hire some women she had recommended to cover Monday and Friday shifts and she would remain

working Tuesday, Wednesday, and Thursday. Because of the nature of the business, Mr. Sedrel determined it would be best to have one person do the full-time position and he would then work with claimant to give her some hours. He rehired an old employee who was familiar with the job duties and told the claimant that her hours could be affected, but did not actually cut the hours for her, as he was working on the schedule at the time of her resignation.

Claimant was upset that her hours were being cut and that he had not selected any candidates she had recommended to fill the days she was working at her other two jobs. She tendered her resignation effective May 28, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 proof to establish she quit with good cause attributable to the employer, according to Iowa law. "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).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

In this case, employer hired claimant for a full-time position. Employer and claimant both understood she would at some point reduce her hours so she could return to her prior employment. Claimant wanted to continue to work three days a week and have her position supplemented by one or two candidates she had recommended. Employer determined for continuity purposes, it would be best for the business to have one single person fill the claimant's full-time position and then modify claimant's schedule to allow her to work at her other employers and with this employer. Claimant became upset by this decision and when he told her that her hours with him "may be cut" and quit.

An employer has the right to allocate personnel in accordance with the needs and available resources. *Brandl v. Iowa Dep't of Job Serv.*, (No. __-__/_-__, Iowa Ct. App. filed ___, 1986). The administrative law judge recognizes the claimant would have preferred the position

be filled as she suggested, but also recognizes the employer was working with the claimant to allow her to drop her hours and still work there so she could go work for her other employers.

The employer had not reduced her hours at the time of resignation, but rather told claimant it was possible. Her disagreement with the employer's decision to staff the claimant's full-time position with one person, rather than multiple (as claimant would have preferred) does not constitute good cause attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated September 24, 2020, (reference 01) is **AFFIRMED**. The claimant voluntarily quit the 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.

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at:
www.iowaworkforcedevelopment.gov/pua-information



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

December 11, 2020
Decision Dated and Mailed

jlb/scn