

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MICHELLE D CARLSON
Claimant

BG RETAIL LLC
Employer

APPEAL NO. 19A-UI-00514-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/16/18
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 11, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 1, 2019. Claimant participated. Employer participated by Jeremy Matthews. Employer's exhibits 1 was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 22, 2018. Claimant voluntarily quit on that date having given employer no notice of her quit.

Claimant worked as a salaried store manager for employer. She believed that she was being asked to work too many hours. As store manager, claimant set the hours for all employees. Claimant stated that she was understaffed but employer explained that the store was correctly staffed up until claimant's last week of work.

Claimant stated that she was in contact with employer concerning her medical problems which she alleged were brought on by her working 55-60 hours a week. Claimant stated that she forwarded doctors' notes to employer stating on multiple occasions that claimant should be given a three-day break. Claimant stated that the doctor didn't state any reason for claimant's need for a three-day break and employer didn't grant the breaks.

Employer stated that they were conducting an investigation into \$30,000.00 missing from the store over the last couple of years. Potentially as a result of the investigation, two of employer's key holders had recently quit.

Claimant wrote up her resignation, but did not alert employer of her intent. The resignation stated that she was quitting for better hours and money. Claimant did not mention money concerns at the hearing and did not mention health concerns in her resignation note.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she had to work too many hours.

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. IA Dept. 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 test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant has not shown good cause for her quit. As claimant set hours, she could have adjusted other employees' hours to reduce her workload. That is not the fault of employer. Additionally, claimant argued at hearing that employer had not paid attention to her health concerns, but offered no proof of either the existence of the concerns or of alerting employer of the existence of health concerns.

DECISION:

The decision of the representative dated January 11, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn