

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STEPHANIE DLOUHY
Claimant

APPEAL NO. 14A-UI-03324-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCRUBS CLEANING SERVICES LLC
Employer

**OC: 02/23/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Stephanie Dlouhy (claimant) appealed an unemployment insurance decision dated March 19, 2014, (reference 01), which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Scrubs Cleaning Services, LLC (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 18, 2014. The claimant participated in the hearing. The employer participated through owner Malinda Gronewold. Employer's Exhibit One and Two were admitted into evidence.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 3, 2012, as a full-time cleaner for residential, new construction and janitorial accounts. The employer removed the claimant from the residential accounts on February 25, 2014, due to losing several accounts, where the claimant had been working. There were thefts of cash and prescription drugs missing from houses where the claimant was responsible for the space being cleaned. The employer also lost an account with the VA Center after the surveillance cameras showed the claimant going to locations where she had no reason to be in those locations. The claimant testified that theft of food and possibly other items was commonplace with this employer but admitted she never reported any of it. The employer offered the claimant the same full-time hours but she has only accepted four hours a week of new construction cleaning.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not

qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit her full-time job and acted to carry it out by failing to accept full-time hours. She continues to work in a part-time basis. The claimant quit her full-time job because she was taken off of residential cleaning but the employer had good cause to remove her from this part of the business.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated March 19, 2014, (reference 01), is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs