

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAKIR LEE
Claimant

DES MOINES IND COMMUNITY SCH DIST
Employer

APPEAL 20A-UI-04759-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 4/12/20
Claimant: APPELLANT (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On May 28, 2020, the claimant filed an appeal from the May 27, 2020, (reference 01) unemployment insurance decision that denied benefits based on a voluntary quit without good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on June 15, 2020. Claimant participated. Employer participated through Rhonda Wagoner and Ellen Sarlet.

ISSUE:

Did claimant voluntarily quit the employment with or without good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 22, 2012. Claimant last worked as a part-time Bake-off Coordinator on January 12, 2020. Claimant was separated from employment on January 12, 2020, when she submitted her resignation.

Claimant testified that shortly after she was hired she was having difficulty with her supervisor Tina Lawrence. Claimant was not provided sufficient staff for her to perform her work. Claimant would request additional help and materials and received intermittent help and positive response until she met with Chad Taylor, Ms. Lawrence's supervisor. Some of the conditions improved at that time, however claimant believed that Ms. Lawrence continue to micro-manager her and was not treating her fairly.

In January 2020 claimant was having problems with transportation. Due to the transportation problems, claimant spoke to Amanda Miller, a supervisor, about her transportation problems and her employment. Ms. Miller laid out three options for claimant.

- 1) Claimant could continue to try to work, but if her attendance problems persisted she could be terminated.
- 2) Claimant could ask for a leave, but it was uncertain if one would be granted.

- 3) Or claimant could resign in good standing and reapply for a job when she found transportation.

Claimant chose the third option and resigned on January 12, 2020. Claimant said that she was able to obtain additional transportation in February 2020 and submitted an application for re-employment in February 2020, but did not hear back. Subsequently the school closed down due to Covid-19.

REASONING AND CONCLUSIONS OF LAW:

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.

Iowa Admin. Code r. 871-24.25(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.

Iowa Admin. Code r. 871-24.25(1) 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:

- (1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.
- (2)

Claimant quit her employment. I find that claimant left due to the lack of transportation and due to her dissatisfaction with the work environment. While these are good personal reasons, they do not constitute good cause attributable to the employer.

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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The May 27, 2020, reference 01, which denied benefits is affirmed. Claimant quit without good cause attributable to the employer.



James F. Elliott
Administrative Law Judge

June 26, 2020
Decision Dated and Mailed

je/scn