

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE C BLADE

Claimant

DOLGENCORP LLC

Employer

APPEAL 15A-UI-04095-KC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/08/15

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 25, 2015 (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting after being reprimanded. The parties were properly notified about the hearing. A telephone hearing was held on May 6, 2015. The claimant participated. The employer participated through Sherry Spooner who was both the employer's representative and witness.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part time as a cashier beginning December 7, 2013, and was separated from employment on March 7, 2015; when she left during her shift early for a second time.

The claimant left work abruptly during her shift on two occasions in March 2015. On March 1, 2015, the claimant was waiting to get her cash drawer and start her shift. It was a busy day. Supervisor Spooner was performing multiple tasks and the claimant expressed frustration to Spooner about having to wait for her cash drawer. When she approached the claimant regarding the cash drawer, Spooner told the claimant she had been interviewing for new staff and had a new team. The claimant asked Spooner to repeat what she said and upon hearing the same answer, walked out. Spooner did not terminate the claimant's employment on that date, in spite of company policy that authorized such discipline.

On March 7, the next date that the claimant was scheduled to work, she presented to work and prepared to review her cash drawer. Spooner told the claimant that she needed to counsel her about leaving her shift early on March 1, 2015. The claimant tried to avoid discussing the situation. Spooner told the claimant that walking off a shift once, was basis for termination under the employer's policy, and it could not happen again or she would be terminated. The claimant did not accept the written counseling statement. Spooner and the claimant engaged in angry communication. The claimant left her shift before she started working in the cashier's area.

The claimant contacted a district manager on March 10, 2015 and asked to be reinstated. She was told she would have to reapply. The claimant reapplied on or about March 17, 2015 and received no reply.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(22) and (28) provide:

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:

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The claimant decided to quit. The claimant's conduct in leaving two consecutive scheduled shifts early because she disagreed with the supervisor's behavior and statements, and after being reprimanded, was not for good cause attributable to the employer. Benefits are denied.

DECISION:

The March 25, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left 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.

Kristin A. Collinson
Administrative Law Judge

Decision Dated and Mailed

kac/can