

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDI CANNON
Claimant

DOLGENCORP
Employer

APPEAL 20A-UI-03912-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/29/20
Claimant: APPELLANT (1)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On May 11, 2020, the claimant filed an appeal from the April 30, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit without good cause attributed to the employer. The parties were properly notified about the hearing. A telephone hearing was held on May 28, 2020. Claimant participated. Employer did not participate.

ISSUE:

The issue in this matter is whether claimant quit for 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 April 10, 2019. Claimant was hired as an assistant manager and started working in a store in Marshalltown, Iowa. Claimant was transferred to the employer's store in Toledo Iowa and remained there as an assistant manager until she quit. Claimant last worked as a full-time employee on February 20, 2020. Claimant was separated from employment on February 20, 2020, when she informed her manager, Micah (Last name not known by claimant) that she could not keep working due the rodents in the store.

Claimant testified that the store in Toledo, Iowa had a rodent problem. Claimant would have to clean up rodent feces and urine and dispose of items that were spoiled by rodents. Claimant testified that her manager was aware of the problem as well as district managers. The employer hired exterminators to deal with the rodents. Claimant testified that her employer was working on the problem, but she could not take the smells and the rodents any longer. The store in Toledo, Iowa had not been cited by a public health agency.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the April 30, 2020 (reference 01) unemployment insurance decision that found claimant ineligible for benefits is AFFIRMED.

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(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. 871-24.26(2), (3) & (4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(2) The claimant left due to unsafe working conditions.

(3) The claimant left due to unlawful working conditions.

(4) The claimant left due to intolerable or detrimental working conditions.

In this case the employer hired an exterminator and was trying to resolve the rodent problem. The claimant did not prove that the working conditions were unsafe, unlawful or intolerable. Certainly the conditions were unpleasant and the claimant had good personal reasons for quitting. The claimant has not shown she had good cause attributable to the employer.

DECISION:

The April 30, 2020, reference 01, decision is affirmed. The claimant voluntarily quit the employment on February 26, 2020 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.



Jim Elliott
Administrative Law Judge

June 9, 2020
Decision Dated and Mailed

je/sam

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>.