

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHIRLEY A SMITH**  
Claimant

**DGS-ACQUISITIONS LLC**  
Employer

**APPEAL 19A-UI-08428-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/06/19  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On October 28, 2019, Shirley A. Smith (claimant) filed an appeal from the October 23, 2019, reference 01, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with DGS-Acquisitions, LLC (employer) for personal reasons which does not constitute good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on November 18, 2019. The claimant participated personally. The employer participated through Scott Benter, Store Director, and was represented by Jessica White, Human Resources Manager. No exhibits were offered into the record.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time at the courtesy counter on March 16, 2016, when the employer purchased the business, and was separated from employment on October 3, 2019, when she quit. The claimant reported to Hannah Hodsich, Customer Service Manager, and the claimant's last day worked was September 29. The claimant's next scheduled shift was Sunday, October 6.

On October 3, Hodsich called the claimant and told her that she had been discharged for using the claimant's computer login information. The claimant stored her login information in a notebook where Hodsich and others could access it. The claimant went to the store and notified Nathan McCarthy, Assistant Manager, that she quit because she could not take it anymore. The claimant disagreed with the reason Hodsich was discharged and believed she would be required to cover Hodsich's job duties on her next shift.

There was continuing work available to the claimant had she not quit. The claimant had not been told she was discharged and, as she quit before her next shift, the employer could not ask her about the incidents that led to the end of Hodsich's employment.

## 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. Benefits are denied.

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 provides, in relevant part:

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.

...

(27) The claimant left rather than perform the assigned work as instructed.

(28) The claimant left after being reprimanded.

...

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

The claimant has not met the burden of proof to show she had good cause attributable to the employer for leaving her employment. The claimant left because she might have to cover Hodsich's duties after the employer discharged her. She also disagreed with the reason Hodsich was terminated and believed there was a possibility she might be discharged for her

conduct; however, no one from the employer asked her to leave or told her she was discharged. The claimant's decision to leave because she was dissatisfied with the work environment and believed her job performance related to security might not be to the employer's satisfaction but they had not asked her leave does not constitute good cause attributable to the employer. Accordingly, benefits are denied.

**DECISION:**

The October 23, 2019, 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.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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