

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

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CASEY'S MARKETING COMPANY  
c/o TALX – UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-05202-SWT  
OC: 04/03/05 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 4, 2005, reference 03, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on June 10, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Mitch Varner participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked full time for the employer as an assistant manager from January 27, 2005 to April 1, 2005. Mitch Varner, the manager, was the claimant supervisor.

On April 1, 2005, Varner presented the claimant with five written warnings regarding bookkeeping, failing to lock the front door at closing, missing work six times in February and

March, lighting a cigarette as she walked out the front door of the store, and receiving and answering her cell phone while on duty. The claimant became upset because she was receiving all five warnings at the same time even though some of the things about which she was warned happened two weeks earlier.

The claimant informed Varner that she did not believe she was being reprimanded properly, and as a result, she was quitting employment. Varner did not intend to discharge the claimant. Continuing work was available to the claimant if she had not quit her job.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code Section 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.

871 IAC 24.25(28) 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:

(28) The claimant left after being reprimanded.

The claimant has failed to establish any good cause attributable to the employer for leaving her job. Perhaps it would have been better if the warnings had been issued closer in time to the conduct leading to the warning. The evidence, however, does not establish any intolerable or detrimental working conditions.

#### DECISION:

The unemployment insurance decision dated May 4, 2005, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/kjf