

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

LISA M DROULLARD
Claimant

APPEAL NO. 11A-UI-06305-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MCDONALDS RESTAURANTS OF IOWA
Employer

**OC: 01/09/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated May 2, 2011, reference 03, which denied unemployment insurance benefits. After due notice was issued, a telephone hearing was held on June 6, 2011. The claimant participated personally. The employer participated by Ms. Vicky Mills, manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Lisa Droullard was employed by McDonald's Restaurants of Iowa, Inc., doing business as McDonald's, from April 20, 2010, until March 22, 2011, when she voluntarily left employment. Ms. Droullard worked as a full-time crew member/trainer and was paid by the hour. Her immediate supervisor was Vicky Mills.

Ms. Droullard left her employment with McDonald's on March 22, 2011. On that day, the claimant was upset because a request that she had made for a "glass of water" had been declined because the kitchen area was experiencing peak business hours. Ms. Droullard had observed Ms. Mills drinking what the claimant thought was "soda" and became further upset because her request for water had been denied. When the claimant stated, "I'm tired of this... I'm just going to leave," Ms. Mills responded, "If you feel that's what you need to do, just leave." Ms. Droullard chose to leave at that time. The claimant had also threatened earlier in the day to quit employment for other reasons.

It is the claimant's position that because she was directed to leave by the store manager, she was discharged from employment.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record established that the claimant left employment voluntarily. It does. The additional question is whether the claimant left for good cause attributable to the employer. She did not.

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(22) 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:

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

In this case, the evidence established that the claimant was not directed to leave her employment but was given the option of leaving "if" she chose to do so. On that day, the claimant had made repeated threats to quit employment. When the claimant made a threat to quit employment to the store manager, the store manager gave the claimant the option of remaining or quitting and the decision was Ms. Drouillard's.

While the claimant's reasons for leaving her employment that day may have been good from her personal viewpoint, the administrative law judge concludes, based upon the evidence in the record, the claimant's reasons were not good-cause reasons attributable to the employer. The claimant's request to have another employee provide her a drink of water was denied because of the timing of the request during the employer's peak business hours. Good cause for quitting attributable to the employer has not been shown. Benefits are withheld.

DECISION:

The representative's decision dated May 2, 2011, reference 03, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw