

**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**

**CHARLOTTE R CARRISON
BOX 16
NORTHWOOD IA 50459**

**CASEYS GENERAL STORE
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

**CASEYS GENERAL STORE
3455 MILL RUN DR
HILLIARD OH 43026**

**Appeal Number: 04A-UI-07765-HT
OC: 06/13/04 R: 02
Claimant: Respondent (2)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Quit

STATEMENT OF THE CASE:

The employer, Casey's General Store, filed an appeal from a decision dated July 9, 2004, reference 01. The decision allowed benefits to the claimant, Charlotte Carrison. After due notice was issued a hearing was held by telephone conference call on August 10, 2004. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Store Manager Jeannette Smith.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Charlotte Carrison was employed by Casey's

General Store from November 6, 2000 until January 3, 2004. She was a full-time cook, working a split shift.

On January 3, 2004, Store Manager Jeannette Smith was talking to Ms. Carrison regarding prep duties which had to be done for the next shift. This was a problem on all shifts and the manager was discussing the problem with the cooks on every shift. It was not a disciplinary action but an informal discussion taking place between customers. At the time the claimant was scheduled to go on break she walked out of the store and told Ms. Smith she was quitting.

Charlotte Carrison filed a claim for unemployment benefits with an effective date of June 13, 2004. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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 quit because the store manager had been informally discussing problems with all of the kitchen staff regarding prep work which was not being done. Her job was not in jeopardy and it was not a formal disciplinary action which was going to go on her record. Ms. Carrison's decision to quit is without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of July 9, 2004, reference 01, is reversed. Charlotte Carrison is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/b