

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA M PHELPS**  
Claimant

**APPEAL NO. 09A-UI-16769-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WESTAR FOODS INC**  
Employer

**OC: 10/11/09**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 27, 2009 (reference 01) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on December 11, 2009. Claimant participated with Joshua Phelps and Danny Albert. Employer participated through general manager Sue Litwiler and district manager Chris Hampton.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked part-time as a shift leader and was separated from employment on October 8, 2009. Claimant did not want to sit down with another employee Josh H., with whom she was having issues. Litwiler wanted the two to talk together with her because Josh H. had told Litwiler he felt claimant demeaned him when she instructed him in performing job duties. Claimant refused to do that or work with assistant manager David and Litwiler ineffectively attempted to show claimant her unreasonableness by turning it around on her and saying she would just quit then since she did not like dealing with her issues. Claimant thought Litwiler was being immature and quit; also mentioning she did not want to work until closing Saturday night. Claimant had also decided to quit because she did not like management's decision to issue only a written warning to an employee who was accused of harassing someone else.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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(6), (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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

(21) The claimant left because of dissatisfaction with the work environment.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). Claimant's decision to quit because she did not want to resolve issues with Josh H. or cooperate with manager Litwiler and she did not like management's disciplinary decision were not reasons with good-cause attributable to the employer for leaving the employment. Benefits are denied.

**DECISION:**

The October 27, 2009 (reference 01) decision is affirmed. The claimant voluntarily left her 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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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs