

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CATINA FONDREN
Claimant

HY-VEE INC
Employer

APPEAL 17R-UI-06812-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/23/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Catina Fondren (claimant) filed an appeal from the May 16, 2017, reference 01, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with Hy-Vee, Inc. (employer) because she did not like the work environment which is not a good cause reason attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on July 21, 2017. The claimant participated. The employer participated through Human Resource Manager Sarah Kew and was represented by Keith Mokler of Corporate Cost Control, Inc. Employer's Exhibit 1 was received into the record.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The facts of the case are largely uncontested. The claimant was employed full-time as a Cheese Specialist beginning on May 15, 2011. At some point she transferred to the Dubuque, Iowa store. On September 20, 2016, the claimant transferred back to the Cedar Rapids store working under Store Director Brian Wilken and reporting directly to Jake Detrick. The claimant was told at the time she was transferred back that as a full-time employee, she was expected to work some Sundays. She was separated from employment on April 1, 2017, when she quit.

At the end of February 2017, the claimant learned she was scheduled to work on Sunday, March 5, 2017. She had previously been scheduled to work on three other Sundays since her return to the Cedar Rapids store. The claimant spoke with Detrick and explained how important it was for her to cook for her church on Sundays. She then asked if she could work in the Bakery because she mistakenly believed they did not work on Sundays. Detrick advised her to speak with Human Resource Manager Sarah Kew, which she did.

On February 27, 2017, the claimant met with Kew and Wilken. They discussed her working on Sundays among other issues. During the conversation, the claimant indicated she was tired of

living paycheck to paycheck and she received some monetary compensation for the cooking she did on Sundays. Wilken reminded the claimant that she was told at the time of hire she would need to work some Sundays. The claimant continued to explain why she did not want to work Sundays. Wilken then asked the claimant, "Where would you be without Hy-Vee?" (Claimant's Testimony, Kew's Testimony.) The conversation continued and he asked her this question two more times. The claimant was visibly upset by the end of the meeting, even though she had been reassured on multiple occasions she was doing a great job.

The claimant continued to work as a Cheese Specialist with no further incidents with Wilken. On March 15, 2017, the claimant submitted her two-week notice to Detrick and Kew. She verbally told Kew that she was leaving because of the conversation with Wilken on February 27. She explained she felt like he was saying she could not do any better than the employer when he asked her where she would be without Hy-Vee during their discussion. Kew explained that was not what Wilken meant. She went on to state he was just pointing out the employer was the claimant's full-time employment and she should consider her obligations to her full-time employer. Kew then gave the claimant the employer's "Notice of Resignation" form on which the claimant stated she was leaving to further her career somewhere else. The claimant worked out her notice period and her final day was April 1, 2017.

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 law disqualifies individuals who voluntarily quit employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). Employees who quit due to a dislike of their shift, dislike of their work environment, or a personality conflict with their supervisor are presumed to have quit without good cause attributable to the employer. Iowa Admin. Code r. 871-24.25. 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's decision to quit because of one disagreement or conflict with the store manager is not a good cause reason for quitting that is attributable to the employer. The issue was not ongoing and the claimant did not address the issue with anyone above Wilken. The claimant has not established that the average person in the same situation would find the work environment to be detrimental. Benefits are denied.

DECISION:

The May 16, 2017, 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn