

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHLEEN J LOWE
Claimant

APPEAL NO. 08A-UI-07361-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 07/13/08 R: 02
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated August 4, 2008, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on August 27, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Maris Masengill participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time as a store manager from December 5, 2005, to June 25, 2008. She voluntarily quit employment with notice to the employer after she was not selected for two positions she applied for and males were hired instead of her, which she viewed as sexual discrimination. The last job she applied for was a position as a store manager at a store with a higher sales volume, which would have provided her with the opportunity to earn bonuses beyond her salary. When she questioned why she was not hired, her supervisor informed her that the employer had decided to hire a male for the job because it was in a rough area of town. The claimant was qualified for the job and had an excellent work history. The claimant provided notice to the employer that she was quitting due to her belief that she was not advancing within the company due to the fact that she was female and some male managers were being paid a higher starting salary than she received. In fact, the only male managers who started at a higher salary were managers from stores that the employer acquired.

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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The evidence establishes the claimant was passed over for a job for which she was qualified because she was female. This created intolerable or detrimental working conditions. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

DECISION:

The unemployment insurance decision dated August 4, 2008, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs