

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MEGAN LOCKE**

Claimant

**APPEAL NO. 07A-UI-04033-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEYS MARKETING COMPANY**

Employer

**OC: 03-11-07 R: 02  
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving  
Section 96.3-7 – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the April 9, 2007, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 7, 2007. The claimant participated in the hearing. Susan Greenhorn, Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment for good cause attributable to the employer or was discharged for misconduct.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time cashier/kitchen worker for Caseys from December 20, 2005 to January 16, 2007. On January 11, 2007, Manager Susan Greenhorn met with the claimant to discuss several issues including her failure to give sufficient notice for an absence January 5, 2007; her failure to abide by the dress code; and her attitude. The claimant agreed she was unhappy and said maybe she should resign and the employer told her it was her choice and the claimant gave the employer a two-week notice. The employer had made the schedule that day and the claimant was scheduled every day the following week. She was scheduled to work at 9:00 a.m., January 12, 2007, and arrived at 9:30 a.m. She did not call or show up for her scheduled workdays following January 12, 2007. The employer did not tell the claimant she would be discharged if she did not resign.

The claimant has claimed and received unemployment insurance benefits since her separation from this employer.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant testified she was told she would be fired if she did not resign, the employer credibly testified it did not give her that ultimatum and the employer's testimony is enhanced by the fact it made the schedule that day and the claimant was on it for the following week and the claimant worked January 12, 2007. If the employer did terminate the claimant's employment it is unlikely that it would schedule her the next week or that the claimant would have worked January 12, 2007. The remaining question is whether the claimant left for good cause attributable to the employer. The claimant admits she was unhappy and had an attitude at work that manifested itself in her not performing all duties assigned by the employer and failure to comply with the dress code. She was upset because the employer hired several new employees and as a result she had more responsibility. Although the claimant may have been dissatisfied with the work environment, that is not good cause for leaving as defined by Iowa law. Consequently, the administrative law judge concludes the claimant voluntarily left her employment and has not demonstrated that her leaving was for good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Because the claimant's separation was disqualifying, benefits were paid to which the claimant was not entitled. Those benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The April 9, 2007, reference 02, decision is reversed. 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. The claimant is overpaid benefits in the amount of \$1,015.00.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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