

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOYCE A OXFORD
Claimant

APPEAL NO: 06A-UI-08168-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BUCKYS RED & WHITE INC
Employer

OC: 07-16-06 R: 04
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 14, 2006, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on August 30, 2006. The claimant did participate. The employer did participate through Bob Buckner, Owner/Manager and Mary Jane Clubb, Bakery/Deli Manager

ISSUE:

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

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a deli worker full-time beginning February 27, 2006 through July 14, 2006 when she voluntarily quit her job.

On July 13 or 14, the claimant was given a reprimand about calling in to take her son to the doctor and then being observed driving around town. The claimant was unhappy with the reprimand and refused to sign it. During the same conversation with Mr. Buckner the claimant told him that she was quitting her job and gave him one-week notice. The claimant was unhappy that she had not been given a pay raise, but she was told that pay raises were given after 90 working days, not 90 days of employment. The claimant had not been promised a raise until after she worked 90 days. When the claimant told Mr. Buckner she was quitting she agreed to work one more week. The claimant did not work after telling Mr. Buckner that she was quitting on either July 14 or 15. Continued work was available for the claimant had she not quit.

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.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2 (amended 1998). The claimant's decision to quit after having been reprimanded was not a good-cause reason attributable to the employer for leaving. Additionally, the claimant has not established that she was denied a raise that had been promised to her. The raise was to be given at the completion of 90 working days. If the claimant had continued her employment, she would have been given a raise. Benefits are denied.

DECISION:

The August 14, 2006, reference 03, 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/cs