

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TANNA R MONROE
Claimant

ALCON INC
Employer

APPEAL 16A-UI-00506-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/20/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871 IAC 24.25(2) – Move
Iowa Admin. Code r. 871 IAC 24.25(21) – Work Environment

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 8, 2016, (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting. The parties were properly notified of the hearing. A telephone hearing was held on February 3, 2016. The claimant, Tanna Monroe, participated and testified. The employer, Alcon Inc., participated through owner, Connie Vasquez.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a bartender from August 2013, until this employment ended on December 18, 2015, when she resigned.

In October 2015, the employer lost both of its bar managers. At that time claimant offered to help the employer out by picking up additional shifts and taking on some of the managerial responsibilities. Claimant was friends with Vasquez and volunteered to take on this additional work to help her out because of the friendship. Claimant was given an additional \$1.00 per hour and a one-time payment of \$300 in December as compensation for the additional responsibilities. At some point claimant began to become overwhelmed with the additional work. Claimant asked Vasquez on several occasions if she was planning on hiring a new bar manager, but was told that she thought the current employees were handling the situation well. Claimant did not express to Vasquez that she was feeling overwhelmed.

Claimant had been planning on moving from Cedar Rapids to North Chicago. Originally, claimant planned on moving in March 2016, but due to the stress she was experiencing at work, decided to move in December 2015. In mid-November 2015, claimant notified Vasquez that she was resigning and that her last day would be December 18. At no time did claimant

mention to Vasquez that she was feeling overwhelmed at work, or that this had affected her planned move date. Had claimant expressed her feelings to Vasquez, she could have worked with other employees to cover some of claimant's shifts and duties.

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.

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.

Iowa Admin. Code r. 871-24.25(2) and (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:

(2) The claimant moved to a different locality.

(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). "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). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Sometime in November 2015 claimant notified Vasquez that she would be moving and therefore resigning her employment the following month. Originally, claimant had planned to stay with the employer until March 2016, however she made the decision to move sooner than previously planned due to her stressful work schedule and environment. However, Claimant testified that she volunteered to work extra shifts and take on extra responsibilities because Vasquez was her friend and she wanted to help her out. Claimant was also given extra pay to compensate her for the additional responsibilities. At no point did claimant notify Vasquez that she felt the work was becoming too much or ask her to reduce her work load. Rather, claimant stated to Vasquez that her last day would be December 18, 2015 because she was moving. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The January 8, 2016 (reference 01) unemployment insurance 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.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/pjs