

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

CASSANDRA M CRONK
Claimant

APPEAL NO. 18A-UI-03951-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 02/18/18
Claimant: Respondent (2)

Section 96.5-1 - Voluntary Quit
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Casey's Marketing Company (employer) appealed a representative's March 20, 2017, decision (reference 03) that concluded Cassandra Cronk (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 23, 2018. The claimant provided a telephone number for the hearing but was not available at the number provided. She, therefore, did not participate in the hearing. The employer participated by Kristy Fielder, Area Supervisor. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 18, 2015, as a full-time store manager. She understood she was supposed to work for employees who could not work their assigned shifts. The area supervisor would also help work the hours.

On November 1, 2017, the claimant was scheduled to work from 5:00 a.m. to 2:00 p.m. A subordinate told the claimant she could not work her shift from midnight to 6:00 a.m. The claimant was scheduled to work on November 2, 2017, from 5:00 a.m. to 2:00 p.m. The claimant called her area supervisor at approximately 4:30 p.m. on November 1, 2017. She told her supervisor that if she made her work the subordinate's hours, she would leave her keys in the safe and quit work. The area supervisor told the claimant she needed to work the subordinate's hours. The claimant hung up the telephone before the area supervisor could tell the claimant she would work the claimant's hours on November 2, 2017.

The claimant left her keys in the safe. The area supervisor worked her hours, the subordinate's hours and most of the claimant's hours. Continued work was available had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of February 18, 2018. She received no benefits after the separation from employment. The employer participated in the fact finding interview on March 16, 2018, by providing documentation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(18) 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:

(18) The claimant left because of a dislike of the shift worked.

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). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was quitting and stopped appearing for work. When an employee quits work because she is dissatisfied with her hours, her leaving is without good cause attributable to the employer. The claimant left work because she did not want to work the hours she agreed to work as a store manager. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's March 20, 2018, decision (reference 03) is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs