

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RENEE HARRIS**  
Claimant

**APPEAL 21A-UI-05144-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEYS MARKETING COMPANY**  
Employer

**OC: 12/13/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Misconduct  
Iowa Code § 96.4(3) – Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed the February 9, 2021 (reference 01) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was conducted on April 20, 2021. The claimant participated personally. The employer participated through David Bauer. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Was the claimant discharged for disqualifying job-related misconduct?  
Did claimant voluntarily quit the employment with good cause attributable to employer?  
Was the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant started working for the employer on October 19, 2020 as a Submaker, with the intent for her to progress to 1<sup>st</sup> Assistant Manager once the position opened up, which it did shortly thereafter. At the end of her employment she was the 1<sup>st</sup> Assistant Manager. Her immediate supervisor was David Bauer. On December 15, 2020 claimant without notice to her immediate supervisor or anyone else for that matter, claimant left her keys and her smock on the counter, and told her coworker she quit. She immediately left the store leaving her coworker alone. Besides telling her coworker, claimant was scheduled for future shifts, and never showed up for any. Claimant admitted that she voluntarily quit because she did not like an unprofessional social media post by her supervisor's spouse, commented on by several other store employees. She also said that she thought her reporting structure and hours were being cut in retaliation after that post. Mr. Bauer credibly testified that everyone's hours were cut during the winter and pandemic, and that the new organizational chart came from corporate. Claimant also claimed that she quit because someone had shared her protected health information.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer.

As a preliminary matter, I find that the Claimant's employment was not terminated due to misconduct, although it could have been. Claimant was voluntarily quit 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(6) 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:

(6) The claimant left as a result of an inability to work with other employees.

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993).

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "Good cause" for leaving employment must be that which is reasonable to the average person,

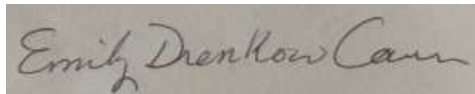
The claimant has failed to carry her burden of proof to establish that her "good cause" for leaving employment was reasonable to the average person. The social media post was inappropriate and unprofessional but the employer credibly testified that he dealt with it appropriately. There were no other incidences. The claimant's claims that she was retaliated against with a schedule and reporting change are not persuasive, and do not established the required "good cause."

While the claimant may have felt that she had compelling personal reasons to quit the employment, good cause attributable to the employer has not been established.

Accordingly, benefits are denied.

**DECISION:**

The February 9, 2021 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily quit the 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.



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April 28, 2021  
Decision Dated and Mailed

ed/kmj