

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JANE OLBERDING
775 – 160TH ST
KANAWHA IA 50447**

**EATON CORPORATION
c/o TALX UCM SERVICES INC
PO BOX 283
ST LOUIS MO 63166-0283**

**Appeal Number: 04A-UI-08330-ET
OC: 07-04-04 R: 02
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 29, 2004, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 23, 2004. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

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 machine operator for Eaton Corporation from February 17, 2003, to June 1, 2004. In late April 2004, the claimant requested May 29, 30

and 31, 2004, off work and her request was granted. On May 27, 2004, Supervisor Todd Smalley told the claimant she could not have the time off. The claimant explained to Mr. Smalley that her parents were ill and asked if she could have at least one day off. Mr. Smalley became "irate" and yelled at the claimant. She was scared and intimidated by his behavior and left work. She did not call the employer or report for her shifts on May 28, 29 or 30, 2004. On June 1, 2004, the claimant went to discuss the situation with the human resources manager and was told she did not have time to speak to the claimant at that time. The claimant did not ask to schedule another appointment and indicated on the paperwork provided to the employer that she quit because of a disagreement with her supervisor.

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(21). 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 was understandably upset that Mr. Smalley denied her request for time off at the last minute and then acted in an unprofessional and inappropriate manner when the claimant asked for at least one of the days off, the claimant left the premises without speaking to anyone else about the situation, did not call or report for work for three days and then quit rather than attempt to make an appointment with human resources at another time after being told the human resources manager was too busy to meet at that time. Because the claimant did not provide the employer an adequate opportunity to respond to her concerns about the situation prior to quitting her employment, the administrative law judge concludes the employer has not demonstrated that her leaving was for good cause attributable to the employer. Benefits are denied.

DECISION:

The July 29, 2004, reference 01, 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.

je/pjs