

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA J REDENBAUGH
Claimant

APPEAL NO: 18A-UI-11604-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 10/28/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 19, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 14, 2018. The claimant participated in the hearing. Kimberly Holub, Store Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

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 food service leader for Casey's from May 10, 2016 to October 11, 2018. She voluntarily left her employment by walking off the job October 11, 2018.

The claimant called Store Manager Kimberly Holub at 5:00 a.m. on October 11, 2018. She brought up the fact she had not yet been paid her sick leave pay from September 7, 2018, and was upset that she did not receive a pay increase following her performance review May 10, 2018.

Due to an oversight, the employer did not submit the claimant's September 7, 2018, sick leave hours for her next paycheck. When the claimant brought the situation to Ms. Holub's attention October 3, 2018, Ms. Holub stated she would tell her supervisor about the issue because she did not have the capacity to change the claimant's paycheck at that point in the process. Ms. Holub reported it to her supervisor October 10, 2018, the next time the supervisor was in the store.

The claimant was also upset because after she received a raise with her promotion to food service leader April 1, 2018, she had her yearly review May 10, 2018, and did not receive another raise. Ms. Holub submitted the claimant for a pay increase following her review but the

employer chose not to provide the claimant with another raise so soon after her promotion. Employees are not guaranteed a pay raise with their performance review.

On October 11, 2018, the claimant called Ms. Holub at 5:00 a.m. and expressed her concern about the above stated issues and Ms. Holub explained she had talked to her supervisor October 10, 2018, about the claimant's sick leave pay and that her review covered the previous year which she was compensated for when she was promoted. The claimant said she was done and hung up the phone. At 6:00 a.m. Ms. Holub called the store and asked the other employee working with the claimant to let her know if the claimant left the store. Ms. Holub arrived for work at 8:05 a.m. and the claimant walked off her job and left the store. The employer determined the claimant voluntarily quit her job.

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 § 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.

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(1). 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.

The claimant was upset about her sick leave pay and the fact she did not receive a pay raise following her yearly performance review and felt "irrelevant" and "unwanted." The claimant was not paid in a timely manner for her sick leave September 7, 2018, due to an oversight by the employer. Although the claimant was unhappy about that situation, the employer did not act in bad faith but simply made an error which has since been corrected.

The claimant was also dissatisfied because she did not receive a second pay increase following her yearly performance evaluation May 10, 2018. The employer compensated the claimant when she was promoted in April 2018 and she was only on her new job for five weeks before the performance review took place. The claimant's manager recommended she receive a pay increase but the employer did not provide the claimant with another raise after she received a raise with her April 1, 2018, promotion. While the claimant's frustration about the situation is understandable, pay raises are not guaranteed and are within the employer's discretion.

The claimant was dissatisfied with the work environment and has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The November 19, 2018, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn