

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MICHELLE R STIER
Claimant

IMAGE INC
Employer

APPEAL NO. 19A-UI-01052-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/13/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 5, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 4, 2019. Claimant participated. Employer participated by Kevin Gracey.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on January 7, 2019. Claimant put in a notice to quit on December 29, 2018.

Claimant worked as a housekeeper for employer. Employer had ongoing issues concerning the quality of claimant's work. Employer also had concerns about claimant's absenteeism and spoke with claimant about both of these issues in early December. Employer demoted claimant from her role as crew leader on December 27, 2018 but did not decrease claimant's wages or hours. Claimant put in her notice to quit two days later.

Claimant stated that she was injured at work. On December 11, 2018 claimant was swiped by a car driven by another employee. Claimant came into the office complaining about the incident but did not fill out or request an incident report. Claimant never went to the doctor concerning this matter, but she testified that her arm hurt. Claimant stated that after work she was razzed by the employer concerning her being hit by the car and this caused her to put in her quit a few weeks later.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she felt that she was not properly attended to when she was hit by a co-worker's car.

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. IA Dept. 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 test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant's actions seem to be much more as a result of her ongoing job difficulties and attendance issues than concerning an event from over two weeks earlier where claimant had never asked to visit a doctor or file an incident report. Claimant did not show good cause for her quit attributable to employer.

DECISION:

The decision of the representative dated February 5, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn