

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TY L LEWIS**  
Claimant

**FAMILY DOLLAR STORES INC**  
Employer

**APPEAL 15A-UI-13490-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/25/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Ty Lewis (claimant) filed an appeal from the November 16, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment for personal reasons which is not a good-cause reason attributable to Family Dollar Stores, Inc. (employer). The parties were properly notified about the hearing. A telephone hearing was held on December 29, 2015. The claimant participated on his own behalf. The employer participated through Store Manager Becky Ryan.

**ISSUE:**

Did the claimant voluntarily quit the 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 part time as a cashier beginning on August 25, 2015, and was separated from employment on October 8, 2015, when he quit. The claimant was hired to work at a retail establishment. He understood at the time he was hired that a robbery was possible. The employer provided training on its policies and instructed employees what they should do if a robbery occurred while they were working.

On October 3, 2015, the employer's store where the claimant was working was robbed. The claimant saw one of the perpetrators hit a manager with a gun and the claimant's wallet was stolen by another perpetrator. On October 4, 2015, the claimant notified Store Manager Becky Ryan that his grandfather was ill and he would not be into work. The claimant did not work either of the next two days. During that time, his grandfather passed away. On October 7, 2015, the claimant reported for work and worked his scheduled shift. On October 8, 2015, the claimant called Ryan and told her that due to his personal issues related to his grandfather's passing and the robbery, he was no longer going to continue his employment. His family was in town at that time planning his grandfather's funeral. The employer would have given the claimant time off after the robbery and paid for him to attend counseling had he notified it of the need for such measures.

## REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21) and (23) provide:

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 § 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 § 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:

(21) The claimant left because of dissatisfaction with the work environment.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

Iowa Admin. Code r. 871-24.26(2) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(2) The claimant left due to unsafe working conditions.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

The claimant has presented two reasons he decided to quit his employment: the passing of his grandfather which required family to make funeral arrangements and the robbery he witnessed at the store. The claimant initially testified his decision to leave his employment occurred the day after the robbery when he reported to work and could not continue working. However, after the testimony of the employer, the claimant agreed the timeframe was as stated in the above findings of facts. Given the timeframe of events, it appears the decision to leave his employment was influenced more by the passing of his grandfather and the family members coming to town to plan the funeral than the robbery.

The robbery was still a factor in the claimant's decision to leave his employment. However, the robbery did not create unsafe working conditions that would establish good cause attributable to the employer for the claimant leave his employment. As the claimant testified, it is known a risk or part of the work environment that a retail establishment can be robbed at any time which is something the employer cannot control. The employer gave its employees the tools and training on how to safely handle such a situation. The employer also provided assistance after such an incident if needed. The employer appears to have taken reasonable steps to make an unavoidable situation as safe as possible for its employees.

The claimant's decided to quit because he did not like the work environment and due to family responsibilities. While the claimant's decision to quit his employment may have based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The November 16, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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