

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEREK A BELL
Claimant

APPEAL NO. 07A-UI-00068-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CULVER'S OF BURLINGTON
Employer

OC: 12/03/06 R: 04
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Derek Bell filed an appeal from a representative's decision dated December 21, 2006, reference 01, which denied benefits based on his separation from Culver's of Burlington. After due notice was issued, a hearing was held by telephone on January 22, 2007. Mr. Bell participated personally. The employer participated by Brad Krogull, Owner.

ISSUE:

At issue in this matter is whether Mr. Bell was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Bell was employed by Culver's of Burlington from July 7 until October 11, 2006 as a porter. He worked from 25 to 35 hours each week. Approximately one month before his separation, Mr. Bell began experiencing problems with his vehicle, causing him to be late to work on some occasions. He subsequently gave two week's notice that he was quitting because of transportation issues.

Mr. Bell also left the employment because of the actions of his general manager, Jeannine. She sometimes asked him to perform certain tasks in a manner that was different from the way he was trained. On one occasion, he argued with her concerning the timing of certain tasks and received a warning for being insubordinate. On other occasions, he performed the tasks in the manner directed by the general manager. The owners of the business were in the restaurant four to five times per week. Mr. Bell never notified the owners that he was having problems with the general manager and might quit as a result. Continued work would have been available if Mr. Bell had not quit.

REASONING AND CONCLUSIONS OF LAW:

Mr. Bell voluntarily quit his employment with Culver's of Burlington. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). It appears that the primary reason Mr. Bell quit involved his unreliable transportation. The employer was not responsible for providing him with transportation to and from work. Therefore, the fact that he was having trouble getting to work timely because of car problems was not good cause attributable to the employer for quitting. See 871 IAC 24.25(1).

Mr. Bell also quit because he did not like the fact that his general manger changed the way certain tasks were to be performed. He was not disciplined for performing tasks the way he was trained. He was simply asked to perform them differently. It was well within the general manager's prerogative to make changes in the way tasks were to be performed. There were no adverse consequences to Mr. Bell or his job performance when he performed the tasks in the manner directed by the general manager. The fact that Mr. Bell did not like the fact that changes were made did not constitute good cause for quitting.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that good cause attributable to the employer has not been established. Accordingly, Mr. Bell is denied job insurance benefits.

DECISION:

The representative's decision dated December 21, 2006, reference 01, is hereby affirmed. Mr. Bell quit his employment for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw