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

CONNIE L ELSEA
Claimant

APPEAL NO: 07A-UI-08572-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PET PALS INC
Employer

**OC: 04/29/07 R: 04
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving
Iowa Code § 96.5(2)a – Discharge/Misconduct

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 4, 2007, reference 02, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on September 24, 2007. Claimant participated with Shirley Mockmore. Employer participated through Margee Leigh.

ISSUE:

The issue is whether claimant quit the employment without good cause attributable to the employer or if she was discharged for reasons related to job misconduct sufficient to warrant a denial of unemployment benefits.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed as a part time pet groomer from May 7, 2007 until August 8, 2007 when she quit and gave verbal notice of her resignation effective August 11, 2007. Employer discharged her two days short of the intended resignation. Claimant had said she was unhappy because she wanted to charge customers a particular high rate the former owner had charged. Her wages remained about the same. She did not keep track of any impact on her commissions. She also quit because two customers told her they would not bring their dogs back because the dogs became ill with a respiratory ailment after having been groomed. Claimant did not tell Leigh that her customers would not be coming back or refer customer complaints to employer. Employer called the state and met with veterinarian Dr. Molton for advice on how to handle the airborne illness. Other businesses had the same problem and one shut down. Employer became aware of the illness around July 4 and by July 23 according to Dr. Molton there were no cases of the illness coming from Pet Pals. Employer offered free grooming, or other incentives to get customers to come back and would have offered the same to claimant's regular customers had she known they were unhappy.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without good cause attributable to the employer.

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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. *Cobb v. Employment Appeal Board*, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. *Polley v. Gopher Bearing Company*, 478 N.W.2d 775 (Minn. App. 1991). Claimant was not required to give notice of his intention to quit due to an intolerable, detrimental or unsafe working environment if employer had or should have had reasonable knowledge of the condition. *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

Inasmuch as the claimant did not give the employer an opportunity to resolve her complaints prior to leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The September 4, 2007, reference 02, 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.

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Dévon M. Lewis
Administrative Law Judge

_____
Decision Dated and Mailed

dml/css