

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUANITA TENEYUQUE
Claimant

APPEAL NO. 10A-UI-04606-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOC SERVICES LLC
Employer

**Original Claim: 02/21/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated March 18, 2010, reference 01, which denied benefits based upon her separation from IOC Services, LLC. After due notice was issued, a telephone hearing was held on May 14, 2010. The claimant participated personally. The employer participated by Ms. Renae Just. Employer's Exhibits One through Four were received into evidence.

ISSUE:

At issue is whether the claimant quit employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Juanita Teneyuque was most recently employed by IOC Services, LLC from March 11, 2008, until February 17, 2010, when she voluntarily quit employment. Ms. Teneyuque was employed as a full-time line cook and was paid by the hour. Her immediate supervisor was Mr. Gary Nass.

Ms. Teneyuque quit employed due to general dissatisfaction with the requirement that she work various line positions for this employer. Ms. Teneyuque preferred to be assigned to one job position and to remain at that position throughout her work shift. Due to business necessities, the facility manager often transferred Ms. Teneyuque to other job positions because she had the skills that were needed.

Ms. Teneyuque had previously gone up the chain of command to upper management to complain of job assignments. The employer believed that the matter had been resolved. Ms. Teneyuque did not return to complain to upper management about her dissatisfactions before leaving employment on February 17, 2010. On that date, the claimant reported to the employer's administrative offices and quit her job. The claimant refused to meet with company management at that time.

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 section 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. See 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. See Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

Inasmuch as the claimant did not give the employer an opportunity to resolve her complaints on February 17, 2010 prior to leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated March 18, 2010, reference 01, is affirmed. The claimant is disqualified until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw