

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JESSICA A MILLER**  
Claimant

**CASEY'S MARKETING COMPANY**  
Employer

**APPEAL NO. 19A-UI-09027-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/27/19**  
**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 November 14, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 10, 2019. Claimant participated. Employer participated by Lora Brown.

**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 October 17, 2019. Claimant voluntarily quit on that date as claimant had ongoing difficulties with her son that made it difficult for claimant to complete shifts that had been scheduled.

Since the date of hire, claimant worked either day or evening shifts. As claimant had difficulties with her son, she would have to leave in the middle of or near the end of multiple shifts. On October 17, 2019 claimant was working when she was contacted about problems with her son. Claimant contacted her manager, who'd just gotten off working a seventeen hour shift. The manager explained that she didn't think she could come back. The manager stated claimant said, "I can't do this anymore. I'm done." Claimant waited for the manager to come back to work, and claimed that the manager told her when she arrived, "You can go. You're done." Claimant had no further contact with employer.

Claimant stated that she'd tried to shift off from night shifts, but there were no hours available during the day for her to work.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 needed greater flexibility to attend to her son when he has difficulties or got into trouble than she was afforded through working the night shift.

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.* In this matter, claimant was not terminated by the manager, but instead left her shift as he'd done previously. Claimant did not contact employer after leaving on October 17, 2019 to see whether she was still employed when it was at least ambiguous as to whether she quit or was fired. As it was claimant who left during her shift and did not return for any future shifts, the separation is seen as a quit. Although it is understandable why claimant quit, it was not for good cause attributable to employer. Benefits denied.

## DECISION:

The decision of the representative dated November 14, 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.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn