

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SHERRY L STONER
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NEWTON IA 50208-0281

MURPHY OIL USA INC
c/o TALX UC EXPRESS
PO BOX 1160
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-01456-DT
OC: 01/01/06 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Sherry L. Stoner (claimant) appealed a representative's January 30, 2006 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Murphy Oil USA, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 23, 2006. The claimant participated in the hearing. Rhonda King appeared on the employer's behalf and presented testimony from one other witness, Annette Hatch. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on November 1, 2005. She worked part time (15 to 20 hours per week) as a cashier in the employer's Newton, Iowa convenience store. Her last day of work was January 2, 2006. She voluntarily quit on January 4, 2006 by turning in her smocks and a note. The note did not specify a reason for quitting.

The claimant's son had been discharged for attendance on December 31, 2005. On January 1, 2006, she contacted Ms. Hatch, the district manager, to inquire as to the employer's policies under which her son was discharged. At that time she also stated to Ms. Hatch that Ms. King, the store manager, had yelled at her the prior week for questioning a notation made in a communication book by the store's assistant manager suggesting that the claimant may have been insubordinate. Ms. King acknowledged that she had a lengthy discussion with the claimant on January 1 regarding the notation, but denied that she yelled, and asserted that she was primarily trying to get the claimant to calm down about the incident. Also on January 1 she sought to explain to the claimant the policies under which the son was discharged. On January 2, 2006, the assistant manager gave the claimant a write-up for too many personal calls on the phone. The claimant quit on January 4 without further discussion or explanation as to why she was quitting.

The claimant asserted at hearing that she had quit in part due to being yelled at by Ms. King. She also asserted that she quit because her hours had been cut. However, for the week of December 31, 2005 through January 6, 2006, the claimant had been scheduled for 22 hours; no further schedule had been posted, and no action taken to reduce the claimant's hours.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for 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.

871 IAC 24.25 provides that, 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 claimant did express her intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code §96.6-2. Leaving due to a change in her arrangement of hours

and pay could be good cause attributable to the employer, but the claimant has not established that there had been any change. 871 IAC 24.26(1). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (23). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). While the claimant's work situation was perhaps not ideal, she has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's January 30, 2006 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of January 2, 2006, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

ld/s