

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ANGELA R CURRIE**  
Claimant

**HY VEE INC**  
Employer

**APPEAL 21A-UI-24374-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/19/21  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant/appellant, Angela R. Currie, filed an appeal from the October 21, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 29, 2021. The claimant participated personally. The employer/respondent, Hy-Vee Inc., participated through Barbara Buss, hearing representative with Corporate Cost Control. June Froehle, human resources manager, testified on behalf of the employer. Employer Exhibits 1-6 were admitted into evidence.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Was the claimant discharged for disqualifying job-related misconduct?  
Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant began employment March 26, 2017, and worked as full-time front-end/customer service manager until July 30, 2021. Claimant voluntarily quit the employment. Continuing work was available.

In claimant’s resignation letter, claimant stated she would be transferring to the Ankeny store, to “self-demote” to a part-time position. She stated the Ankeny store was closer for her to drive, and the transfer was best for her family (See Employer Exhibit 2).

Even though claimant interviewed for the Ankeny position, she decided not to begin work at the new location due to her mental health. Prior to the transfer, claimant had taken one month off of

work (but had not completed requested leave of absence documentation for the employer) at her health care provider's advice.

Claimant asserted she quit due to the hostile and toxic environment at Hy-Vee, which included a lack of gratitude, romantic relationships amongst management members, poor attitudes with staff, long hours and night shifts, and staff being out due to COVID-19.

### **REASONING AND CONCLUSIONS OF LAW:**

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

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 claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

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. Iowa Dep't 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 element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993).

Iowa Admin. Code r. 871-24.25(20) and Iowa Admin. Code r. 871-24.25(21) provide:

Voluntary quit without good cause. 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 employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(21) The claimant left because of dissatisfaction with the work environment.

The evidence presented does not support that claimant's quitting was attributable to intolerable and detrimental working conditions, which would cause a reasonable person to quit under the circumstances.

In this case, claimant requested a transfer to another store, and it was granted. Claimant intended to begin at the new location after taking a personal leave of absence. Claimant elected not to return to work and work at the new location. Claimant certainly had good personal reasons to quit the employment but has not established she quit for a good cause reason attributable to the employer, according to Iowa law. Benefits are withheld.

**DECISION:**

The October 21, 2021 (reference 01) initial decision is affirmed. The claimant voluntarily quit the 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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January 25, 2022

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Decision Dated and Mailed

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