

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

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CARE INITIATIVES
c/o JOHNSON & ASSOCIATES
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Appeal Number: 05A-UI-05590-LT
OC: 04-17-05 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)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 16, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 14, 2005. Claimant did participate. Employer did participate through Jackie Deutmeyer and was represented by Lynn Corbeil of Johnson & Associates. Employer's Exhibits 1 and 2 were received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time cook from December 3, 2004 through March 18, 2005 when she quit because she did not think her evaluation was fair. Claimant indicated to employer on the Notice of Resignation (Employer's Exhibit 1) that she was quitting due to job dissatisfaction and working conditions. Claimant gave two weeks' notice initially but then unilaterally made her

resignation effective March 18 because her son started driver's education the next day. (Employer's Exhibit 2) She was given three "superior" ratings, eight "good" or "satisfactory" ratings, and one "needs improvement" rating about wearing her uniform. Deutmeyer told claimant it was a very good performance appraisal and she is doing well. Continued work was available.

Claimant gave employer no specific reasons for the separation but also complained that Jill McKinney, supervisor, did not order proper food supplies. Deutmeyer conducted an investigation and found that cooks often used food items when not following the menus and recipes so the problem was not due to ordering. An in-service was conducted about the issue and no further complaints were made. Claimant complained to Deutmeyer about a kitchen cleanliness issue, which was resolved in March after claimant threatened to quit. She made no further threats to quit about other issues.

Deutmeyer also offered claimant some respite if she was getting "burned out." Claimant declined and often complained to Deutmeyer out of the chain of command instead of taking problems to the dietary manager. When she did complain, Deutmeyer did investigate and address the complaints.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

871 IAC 24.25(21) provides:

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:

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

Employer reasonably addressed claimant's complaints as reported, even when they were made outside of the chain of command. Claimant's dissatisfaction with her favorable performance

evaluation and her son's driver's education schedule were not good cause reasons for leaving the employment. Benefits are denied.

DECISION:

The May 16, 2005, reference 01, 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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