

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOAN E ROBERTS

Claimant

APPEAL NO. 08A-UI-10840-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

Employer

**OC: 01/07/07 R: 04
Claimant: Appellant (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Joan Roberts filed an appeal from a representative's decision dated November 6, 2008, reference 02, which denied benefits based on her separation from Casey's Marketing Company (Casey's). After due notice was issued, a hearing was held by telephone on December 4, 2008. Ms. Roberts participated personally and Exhibits A, B, and C were admitted on her behalf. The employer participated by Helen Hayes, Manager.

ISSUE:

At issue in this matter is whether Ms. Roberts was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Roberts was employed by Casey's from June 2 until September 26, 2008 as a full-time crew member. She was hired to prepare pizzas, donuts, and sandwiches for breakfast and lunch. She quit the employment because others were not performing the required prep work and because the employer failed to change her work schedule to accommodate her personal needs.

Ms. Roberts complained to her manager on a number of occasions about the failure of others to perform required prep work. Because of the failures of others, she was required to perform the tasks herself. She even walked off the job on one occasion to protest the fact that others were not performing their jobs. The manager said she would speak to the individuals involved but the situation never resolved itself.

At the time of hire, Ms. Roberts did not identify any specific scheduling needs. Near the time school was to start in the fall, she spoke to her manager and requested that she not be scheduled for certain hours because she needed to take her daughter to school and pick her up in Burlington. She requested the accommodation for the times she would have her daughter, which was alternate weeks. The manager agreed to accommodate her but the changes were not made.

In making the decision to quit, Ms. Roberts also considered the fact that her manager did not turn her W-4 form into the corporate office until August 29, 2008. She learned this on September 19. The failure resulted in more money being taken out of her check than required because the correct number of exemptions had not been reported to the corporate office. Ms. Roberts also felt the employer was trying to get rid of her so that her hours could be given to another employee.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Roberts cited a number of problems as contributing to her decision to quit. She was not hired with the understanding that she would only be scheduled for specific hours or days. Therefore, the employer was under no obligation to alter her hours so that she could transport her child to and from school. Although Ms. Roberts may have believed the employer wanted her to leave so someone else could have her hours, this contention has not been established by the evidence.

The failure of others to perform their required duties did constitute good cause attributable to the employer for quitting. The failure of others caused Ms. Roberts to have to perform duties beyond what was required for her shift. Her complaints to the manager did not result in any improvement in the situation. The administrative law judge appreciates that the individuals who neglected their duties were new and inexperienced. However, it was management's responsibility to make sure they were performing their required duties, either by being present to make sure they knew what to do or by administering discipline. The fact that Ms. Roberts had to perform additional work that should have been performed by others constituted good cause attributable to the employer for quitting. As such, benefits are allowed.

DECISION:

The representative's decision dated November 6, 2008, reference 02, is hereby reversed. Ms. Roberts quit her employment with Casey's for good cause attributable to the employer. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs