

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**SARAH L BREMMER**  
Claimant

**GIPH RESTAURANTS LLC**  
Employer

**APPEAL 15A-UI-11637-H2T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/20/15**  
**Claimant: Appellant (1/R)**

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Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 15, 2015 (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 3, 2015. Claimant participated. Employer participated through Maria Conway, Restaurant General Manager.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a shift manager in training beginning on March 25, 2015 through May 12, 2015; when she voluntarily quit. As a shift manager in training the claimant was required to learn every position in the store. So while she was training as a waitress, she was paid the waitress wage; when learning to be delivery driver she was paid \$7.25 per hour. The claimant was not treated any differently than any other shift manager in training. The employer did not lower her wages. When she had completed her training and was working only as the shift manager she would have been paid the \$8.50 per hour.

The claimant gave different reasons at the fact-finding interview for why she quit her job including that her significant other did not want her to work there and her car was not reliable. The claimant put in her two week notice to quit, then did not show up for the rest of her scheduled shifts.

She has worked for another employer, Sioux City DQ, Inc., since her separation from this employer. No fact-finding interview has been held on her separation from her most recent employer.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(13) and (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 § 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 § 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:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

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

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant was told how she would be paid while in training. She was not treated any differently than any other employee in a similar position. The employer did not reduce the claimant's wages or pay her any differently than at the time of hire. The claimant provided inconsistent reasons at the fact-finding and appeal hearing for why she voluntarily quit. While claimant's decision to quit may have been based upon good personal reasons it was not a good cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**REMAND:**

The claimant may have requalified for unemployment insurance benefits since her separation from this employer. She has not had a fact-finding interview and initial determination from her last employer as set out in the findings of fact.

**DECISION:**

The October 15, 2015 (reference 03) 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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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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