

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORI P SEBRING**

Claimant

**“CHECK INTO CASH OF IOWA INC**

Employer

**APPEAL NO. 11A-UI-11428-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/01/11**

**Claimant: Respondent (2-R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Check Into Cash of Iowa, Inc. filed a timely appeal from an unemployment insurance decision dated August 23, 2011, reference 03, that allowed benefits to Lori P. Sebring. After due notice was issued, a telephone hearing was begun on September 20, 2011 with Ms. Sebring participating. District Manager Kelsie Sturm participated for the employer. The hearing was recessed because exhibits submitted by the claimant had not yet been delivered to the employer. The hearing was concluded with the same participants on October 13, 2011. Claimant Exhibit A and Employer Exhibit One were admitted into evidence. The administrative law judge takes official notice of agency benefit payment records.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**FINDINGS OF FACT:**

Lori P. Sebring was employed as an assistant manager at Check Into Cash of Iowa, Inc. from May 23, 2011 until she resigned effective July 21, 2011. Store Manager Dennis Rudisil was on vacation in early July. Ms. Sebring operated the store alone on July 5, 6, 7, 9, 11, and 12, 2011. On July 11, 2011, Ms. Sebring told District Manager Kelsie Sturm that she would be leaving the company at the end of July to go back to selling real estate. Ms. Sebring did not report to work on time on July 21, 2011. Mr. Rudisil attempted to contact her. Ms. Sebring dropped off the keys later that day, saying that the job just was not working out. Further work was available had she not resigned. Ms. Sebring found that operating the store alone had been stressful.

Ms. Sebring has received unemployment insurance benefits since filing an additional claim during the week of July 31, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code § 96.6-2. Although an individual may receive unemployment insurance benefits after resigning because of intolerable or detrimental working conditions, benefits are withheld if the individual has resigned because of dissatisfaction with the work environment. See 871 IAC 24.26(4) and 871 IAC 24.25(21), respectively. The difference is one of degree. The claimant testified that she found operating the store alone to be stressful. That in itself is insufficient to establish intolerable or detrimental working conditions. There is no evidence in the record that the employer was displeased with how Ms. Sebring handled the situation. It is clear that her job was not in jeopardy. The administrative law judge concludes that the separation was without cause attributable to the employer. Benefits must be withheld.

Iowa Code § 96.3-7, as amended in 2008, provides:

7. Recovery of overpayment of benefits.

- a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

- b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment. The employer shall not be charged with the benefits.

- (2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

The question of repayment of benefits is remanded to the Unemployment Insurance Services Division.

**DECISION:**

The unemployment insurance decision dated August 23, 2011, reference 03, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The question of repayment of benefits is remanded.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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