

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHERRY K WEST**

Claimant

**APPEAL 17A-UI-11863-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DB&J ENTERPRISES INC**

Employer

**OC: 10/15/17**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 1, 2017, (reference 02) unemployment insurance decision that denied benefits based on her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on December 21, 2017. The claimant participated and testified. The employer participated through General Manager Brendan Mead.

**ISSUE:**

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: Claimant was employed part-time as a crew member from May 26, 2017, until this employment ended on October 11, 2017, when she voluntarily quit. On October 11, 2017, claimant was working in the kitchen when she was directed to go out front to speak with Mead, as it had been reported to him that she had been argumentative that day and reluctant to perform the duties she was assigned. Claimant stated she was going to finish making bacon and would then be out. A little while later, while claimant was still in the kitchen, she was told again that Mead needed to speak with her and she needed to go out front. Claimant then went out to speak with Mead. According to claimant, Mead then began yelling at her and accused her of not doing what the managers instructed her to do. Claimant, frustrated with the situation, said that was not true, began crying, and got up to leave. Mead denied yelling at claimant, but testified he did tell her he needed to know if she was going to do what the managers were asking. Mead told claimant that she was not being discharged and asked her to sit back down. Claimant testified she felt as though the employer did not want her there any longer, though no one actually told her this. Claimant then phoned her father to come pick her up, with the intention of quitting that day based on the conversation she had with Mead.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Admin. Code r. 871-24.25 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:

(28) The claimant left after being reprimanded.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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). It is understandable that claimant may have been frustrated with the situation and upset that it was being reported to Mead that she was not willing to perform her assigned duties. However, the employer made it clear to claimant that she was not being discharged, indicating its desire to keep her as an employee. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

#### **DECISION:**

The November 1, 2017, (reference 02) unemployment insurance 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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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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