

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KYONG S HOBSON
Claimant

APPEAL NO. 07A-UI-03801-N

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERISTAR CASINO CO BLUFFS INC
Employer

OC: 03/18/07 R: 121
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ms. Hobson filed an appeal from a decision of a representative dated April 5, 2007, reference 01, which denied benefits based upon her separation from Ameristar Casino. After due notice was issued, a hearing was scheduled for and held in Council Bluffs, Iowa, on May 9, 2007. Ms. Hobson participated personally. The employer participated by Michael Sloan, Attorney at Law and witnesses Shila Kinsley and Vicki Weldon. Exhibits One and Two were received into evidence.

ISSUE:

At issue in this matter is whether Ms. Hobson quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered of the evidence in the record, finds: The claimant worked for this employer from July 25, 1999 until March 19, 2007, when she voluntarily quit her employment. Ms. Hobson held the position of full-time table game dealer and was paid by the hour. The claimant provided a two-week notice of intention to leave stating as her sole reason for leaving was to “take care of grandson.” Prior to leaving her employment, the claimant did not indicate any other issue or reason for leaving. The claimant provided her notice to Ms. Kinsley, the assistant casino manager. The parties had a good relationship and Ms. Hobson had gone to Ms. Kinsley in the past with work-related problems and Ms. Kinsley had attempted to assist the claimant when she had been asked to do so.

It is Ms. Hobson’s position that she left her employment due to depression that was made worse by the working environment. Ms. Hobson believed that other employees were talking behind her back because of a perceived relationship between the claimant and another employee of the casino. It appears that Ms. Hobson had initially brought the possibility of a relationship to the attention of other employees. The claimant did not provide any notice to the employer of her dissatisfaction because of this reason or provide the employer an opportunity to rectify this area of dissatisfaction before Ms. Hobson left her employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the claimant voluntarily quit employment for reasons that were not attributable to the employer. In this case the evidence establishes that Ms. Hobson's sole-stated reason to the employer for leaving her employment was her intention to care for her grandson. Although the claimant may have been dissatisfied by other aspects of her employment, she did not act reasonably. She did not inform the employer of the problem so that the employer might have taken appropriate action, which in turn, may have allowed the claimant to remain as a company employee. The Iowa Supreme Court in the case of Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993) held that an individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint.

871 IAC 24.25(6) 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:

(6) The claimant left as a result of an inability to work with other employees.

For the reasons stated herein the administrative law judge finds that the claimant quit employment for reasons that were not attributable to the employer. Benefits are withheld.

DECISION:

The representative's decision dated April 5, 2007, reference 01, is affirmed. Ms. Hobson voluntarily quit employment under disqualifying conditions. Unemployment insurance benefits shall be withheld until the claimant has worked in and has been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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