

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**SHERYL A GARVIN-SUTTON**  
Claimant

**B & B OF NEWTON INC**  
Employer

**APPEAL NO. 21A-UI-08229-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 15, 2021, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 3, 2021. Claimant participated. Employer participated by Bob O'Brien.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on or around March 15, 2020. Claimant voluntarily quit on that date.

Claimant worked as a general employee for employer's Dairy Queen restaurant. Claimant worked for employer for approximately five weeks prior to her quit. Claimant stated that her quit was brought about by having coworkers not wearing plastic gloves and not taking temperatures of the hot and cold foods. Employer stated as an ice cream shop that sells only hot dogs, there is no state regulation as to ongoing temperatures of hot food. Employer further stated that the use of gloves are not mandated, but rather recommended.

Claimant additionally stated she left because of an aggressive high school student that was recently hired. Employer stated that he did talk with claimant about the hiring of high school student for the summer and the fact that he would have to find out those students who were capable.

Employer further stated that claimant walked out in the middle of her shift. She texted employer saying she could not handle the stress. Employer called claimant and asked her to return to her shift. Claimant declined to do so and stated that she'd quit.

At the time of quit, there was ongoing work available from employer.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was not able to handle the stress of the job.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant made a personal decision that she did not wish to handle the pressures inherent with working in an ice cream shop. This is not a quit for good cause attributable for employer. Benefits denied.

**DECISION:**

The decision of the representative dated March 15, 2021, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



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Blair A. Bennett  
Administrative Law Judge

June 17, 2021  
Decision Dated and Mailed

bab/mh