

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIELLE M WALTON
Claimant

APPEAL NO. 10A-UI-11055-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CASEY'S MARKETING COMPANY
CASEY'S GENERAL STORES**
Employer

OC: 06/06/10

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Casey's Marketing Company/Casey's General Stores (employer) appealed a representative's July 29, 2010 decision (reference 01) that concluded Danielle M. Walton (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 28, 2010. The claimant participated in the hearing. Connie Smith appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on December 4, 2007. She worked full-time as a clerk and cook at the employer's Jesup, Iowa store. Her last day of work was June 8, 2010. She voluntarily quit on June 10. Her reason for quitting was the treatment she was receiving from a coworker and her manager.

The coworker and the manager were cousins. The claimant had previously had issues with regard to favoritism shown by the manager toward the coworker in such matters as scheduling and job duty assignments. In early June, the employer was short-staffed and wanted the claimant to fill in and work on June 9 and June 10, days for which the claimant had not previously been scheduled. Specifically, on June 10 the claimant had an afternoon appointment scheduled in Cedar Rapids. On June 7 the claimant and the area supervisor, Ms. Smith, had worked matters out, and Ms. Smith had agreed that the claimant need not work on June 9 and June 10.

On June 8 and June 9, the store manager told the claimant that she did in fact need to work a shift on June 10. After going back and forth a number of times, the claimant told the manager

that she should speak to Ms. Smith and to tell Ms. Smith that the claimant needed to speak with her further. The manager did not convey this message to Ms. Smith.

On the morning of June 10, the claimant received a voice mail from the coworker/cousin of the manager, demanding that the claimant work that day and ordering her to call her back. The claimant did not call the coworker back, but did stop into the store about a half hour later, at approximately 11:00 a.m., while on her way to her appointment in Cedar Rapids. The coworker began to scream at the claimant, repeating that the claimant needed to work that day. The claimant replied that she had been told by Ms. Smith that she could be off that day, and that she did not need to answer to the coworker. The manager was standing nearby, laughing. When the claimant told the manager that she felt the coworker's conduct was inappropriate, the manager made no response. The claimant then decided to quit and turned in her keys. The manager told her she needed to sign a resignation form, so the claimant did, and then left.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Intolerable or detrimental working conditions are good cause for quitting attributable to the employer. 871 IAC 24.26(4). Even though the area supervisor, Ms. Smith, was supportive of the claimant and her concerns, she was not present in the store on an ongoing basis to as to prevent the mistreatment toward the claimant. The claimant has demonstrated that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. EAB, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973).

DECISION:

The representative's July 29, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw