

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHYLLIS J BROWN
Claimant

APPEAL NO. 09A-UI-10142-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

**Original Claim: 05/31/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Work Environment Dissatisfaction

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 25, 2009, reference 01, that held she voluntarily quit employment without good cause attributable to her employer on May 28, 2009, and that denied benefits. A telephone hearing was held on July 31, 2009. The claimant participated. Rowanda Burgin, Store Manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The claimant worked for the employer from September 25, 2007 to May 29, 2009. The claimant last worked as a full-time assistant manager at a store location in Webster City, Iowa. The employer has a policy that managers are required to cover a work shift for an ill employee, unless a replacement can be found.

During the last five months of employment, she worked a shift ending at 11 p.m., and then reported back to work on the following day at 5 a.m.. The claimant understood the store was short-handed of having sufficient employees to cover the work, and she complained to an area supervisor about this situation.

A cashier called in to the employer on May 28 stating she was ill and requested to be off work that day. Manager Burgin was in Iowa City, and she advised the claimant that she would have to cover the cashier's shift if a replacement could not be found. When Burgin returned later that evening, she found the cashier working and the cashier stated she reported to work even though she was ill.

When the claimant reported for work the next day, Burgin advised that she would be written-up for failing to cover the cashier's work shift. Prior to the end of work that day, the claimant walked in Burgin's office, handed over her keys, and left, stating to a delivery driver on the way out she was quitting. Continuing employment was available to the claimant.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on May 29, 2009, due to job dissatisfaction.

The work demands for the claimant and the employer's policies for management were known to the claimant when she accepted the job of assistant manager. Covering for ill employees was a job duty known to the claimant, and three instances of working back-to-back shifts within five months does not rise to the level of detrimental working condition that constitute a quit with good cause attributable to the employer.

DECISION:

The department decision dated June 25, 2009, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on May 29, 2009. Benefits are denied 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.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw