

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA S SMIDT
Claimant

APPEAL NO. 06A-UI-11398-M

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLLAR TREE STORES INC
DOLLAR BILLS
Employer

OC: 10/29/06 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 20, 2006, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 19, 2006. Claimant participated. Employer participated by Thomas Mann, Store Manager. Exhibits One and A were admitted into evidence.

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 October 8, 2006. Claimant quit because she did not want to work where employees used alcohol and drugs in the workplace. Claimant had found a bag of marijuana at work. Claimant also found empty beer cans. Employer did promptly investigate the incidents. No action was taken because it was not determined who was responsible. Employer did not allow use of drugs and alcohol at work.

REASONING AND CONCLUSIONS OF LAW:

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 of alleged drug and alcohol use at work. Employer complied with its own policies. Prompt remedial action was taken to prevent such illegal activity. There is no showing by claimant that the employer condoned such activity. Nor is there a showing that such occurred on more occasions than the two noted by claimant. This is a quit for personal reasons. Benefits denied.

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.

DECISION:

The decision of the representative dated November 20, 2006, 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.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css