

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA E BRILES

Claimant

APPEAL NO. 06A-UI-06610-N

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY

Employer

**OC: 05/28/06 R: 03
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 19, 2006, reference 01, fact-finder's decision that concluded that Patricia E. Briles was not qualified to receive unemployment insurance benefits because the claimant voluntarily quit work under disqualifying conditions. After hearing notices were mailed to the parties a hearing was conducted in Creston, Iowa on October 12, 2006. The claimant appeared and testified. Appearing and testifying as a witness was her husband, Harvey Briles. Appearing and testifying as witnesses for the employer were Ms. Shannon Shepherd, store manager, and Ms. Sherry Decker, area supervisor. Exhibits One and Two were received into evidence.

ISSUES:

Did the claimant voluntarily quit employment for reasons that qualified her to receive unemployment insurance benefits? Was the claimant discharged by the employer for work-connected misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds the following facts: Ms. Briles was employed by Casey's Marketing Company (convenience store) from June 1995 until May 16, 2006 when she voluntarily left her employment. The claimant held the position of part-time cashier and was paid hourly. Claimant's immediate supervisor was Shannon Shepherd, store manager.

Ms. Briles left her employment with the captioned convenience store company after being informed that she was being indefinitely removed from cash register work and assigned to other available work within the store. Ms. Briles had experienced ongoing difficulty with some aspects of her cash register work which included shortages, overages and failure to follow procedure with respect to credit card charges. A decision was made to remove the claimant from cash register work after she once again experienced problems in securing electronic approval for a credit card transaction on May 14, 2006. Although alternative methods of securing the necessary authorization were available to the claimant, including the use of a hand held imprinter; Ms. Briles did not follow this procedure. Because the store was busy at the time and

the claimant was experiencing difficulty in operating the electronic “swipe” system, she notated the credit card number on the purchaser’s cash receipt and had the purchaser sign the receipt. This procedure is not adequate to insure payment through the credit card vendor system and the claimant had been specifically warned for the same offense in November 2005.

Because of the ongoing cash handling problems and the claimant’s difficulty in utilizing the required technology, the employer made a management decision to transfer Ms. Briles to other work in the store that she was familiar with. The claimant was informed that although she was being removed from cash register work, work would continue to be available to her and that the claimant’s pay would have remained the same. Ms. Briles’ ongoing part-time work would be stocking and performing light clean-up duties. The employer did not expect the claimant to engage in heavy or strenuous lifting or to perform in depth cleaning. The claimant had routinely done duties of this nature from time to time for the company in the past. It was the employer’s hope that Ms. Briles could later be returned to cash register work after receiving additional training and/or her skills improved.

The claimant declined the offer of continued employment believing that she had been hired “only for register work” and because she felt that she might not have the abilities to perform other duties.

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.

In this case, Ms. Briles left her employment with the captioned convenience store after being re-assigned to other part-time duties based upon the claimant’s ongoing difficulties in performing the duties of a cashier. Because of numerous cash problems and the claimant’s failure to follow set procedures for handling credit card transactions, the employer felt it necessary to assign Ms. Briles to different duties pending additional training or the claimant’s ability to demonstrate that she could handle the cashier duties. The employer’s intent was to assign Ms. Briles to other part-time work which included light stocking and light clean-up duties until a later date when she could be put back on cash register work after receiving additional external or internal training.

The evidence establishes that Ms. Briles had at times in the past performed light stocking duties and light clean-up duties. The claimant was familiar with these job responsibilities although she had not been primarily assigned to them in the past. The employer did not want to discharge Ms. Briles but intended to keep her as an employee in hopes that problems with her work could be rectified.

Although Ms. Briles was aware that continuing part-time employment was available to her at the same rate of pay, she chose to decline the employer’s offer of continued employment. Based upon the facts of this case, it is the opinion of the administrative law judge that the employer’s actions were not unreasonable under the circumstances. Ms. Briles chose to reject the offer as she felt she had been hired “only for cashier work.” It is the opinion of the administrative law judge that the re-assignment of the claimant’s part-time duties was reasonable and not beyond the general scope of the duties that Ms. Briles could anticipate she would be required to perform

in her capacity as a convenience store employee. For these reasons the administrative law judge finds that the claimant voluntarily left work for reasons that do not qualify her to receive unemployment insurance benefits.

DECISION:

The representative's June 19, 2006, reference 01, decision is affirmed. The claimant voluntarily quit work for reasons that do not qualify her to receive unemployment insurance benefits until she has earned wages for insured work equal to ten times her weekly benefit amount and meets all other eligibility requirements of the law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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