

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMY M WILLIS**

Claimant

**APPEAL NO. 10A-UI-14148-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALS CORNER OIL CO**

Employer

**OC: 09/12/10**

**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Amy Willis, filed an appeal from a decision dated October 5, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 29, 2010. The claimant participated on her own behalf. The employer, Al's Corner Oil, participated by Office Manager Cindy Tiefenthaler and Manager Mandi Reis.

**ISSUE:**

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

**FINDINGS OF FACT:**

Amy Willis was employed by Al's Corner Oil from February 6, 2009 until July 5, 2010 as a full-time clerk. On July 4, 2010, the claimant contacted Supervisor Theresa Augustus to complain. She alleged the husband of Manager Mandi Reis had "touched" her, she was very upset and crying. Ms. Augustus said the company would look into it and allowed the claimant to go home for the rest of the day. She was also told not to allow the man back into the store.

The next day the claimant came to work and Ms. Reis either asked her if she wanted to "talk about it" or else stated "the office told me my husband touched you." The claimant said she did not want to talk about it with her, that she had already called upper management. Ms. Reis then went back to the cooler and began stocking shelves. A short time later another employee came back to the cooler to tell Ms. Reis that Ms. Willis had taken her purse and left without punching out. She did not return.

**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.

The claimant quit because she was apparently upset about an incident that had occurred the previous day. The man in question had not come to the store again and Ms. Reis did not insist on discussing the issue when Ms. Willis declined to do so. The claimant had properly notified management of the situation and it was going to be investigated, but she quit the next day before anything could be done about it.

In order for good cause attributable to the employer to exist, a claimant with grievances must make some effort to give the employer an opportunity to work out whatever problem led to the grievance. By not giving notice to the employer of the circumstances causing the decision to quit employment, the claimant failed to give the employer an opportunity to make adjustments which would alleviate the need to quit. *Denby v. Board of Review*, 567 P.2d 626 (Utah 1977). The claimant did not give the employer a reasonable opportunity to address her concerns and the actual decision to quit was apparently prompted by the manager asking her about it, although she was not pressed to do so.

The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

**DECISION:**

The representative's decision of October 5, 2010, reference 01, is affirmed. Amy Willis is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw