

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 February 23, 2005. She worked part time as a cashier in the employer's Arnold's Park, Iowa convenience store. She typically worked between 30 and 32 hours per week, but occasionally worked 40 or more hours by picking up other employees' shifts. Her last day of work was September 2, 2005.

The claimant had wanted to be placed on permanent full time status. When that did not occur, she began looking for other employment. She was having personal, legal, and family issues as well. On August 28, 2005, she wrote two letters to the new store manager, Ms. Barron, expressing her intention to take off the month of September 2005 because of these issues. While the letter stated that it was not a letter of resignation, when the claimant discussed the situation with Ms. Barron on August 29, she indicated to Ms. Barron that September 3, 2005 would be her last day, and that as far as returning to work, she would "see how things go," and perhaps she would return the next spring or summer. She was scheduled to work September 3; however, she called that day and reported that she would not be in. She did come in on or about September 9 to pick up her paycheck, but she did not pursue the issue of returning to her employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

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 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). An employee is not entitled to an open-ended leave for personal reasons simply because they request such leave. Despite her prior written word to the contrary, the claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (23). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v.

Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's October 3, 2005 decision (reference 06) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of September 3, 2005, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

ld/pjs