

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONI L GALLO
Claimant

APPEAL NO. 14A-UI-03675-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SLB OF IOWA LC
Employer

OC: 10/06/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated April 3, 2014, reference 02, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on April 28, 2014, by telephone conference call. The claimant participated personally. Employer participated by Karen Beard, human resources manager. The record consists of the testimony of Toni Gallo and the testimony of Karen Beard.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is the franchisee for Panera Bread in Iowa. The claimant was hired on January 27, 2014, as a full-time catering coordinator. Her last day of work was March 12, 2014. She quit her job on March 12, 2014.

The claimant quit her job because she thought she was not properly trained to do the job. The claimant was initially in training from January 27, 2014, through February 28, 2014. She was trained at the east side store and would eventually be working at the west side store. The claimant did not like the job. She felt that the job was nothing more than glorified fast food. On March 12, 2014, there was a heavy volume of orders. After she finished the orders she said that she was "done" and "this is it." She left the employer's premises. Work was available had the claimant elected to keep working.

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The claimant is not eligible for unemployment insurance benefits. The evidence showed that it was the claimant who initiated the separation of employment. She did not like the job, which she termed as "glorified fast food" and felt that she was given inadequate training to do the job. The employer provided the claimant with a full month of training plus additional time with the director of catering. The claimant may have felt overwhelmed but there is no evidence that her employer was about to terminate her or that she had been reprimanded unfairly. Ms. Beard testified that the employer knew there was a learning curve to the job and that the claimant would continue to be given help in order to learn the job. The administrative law judge concludes that the claimant simply did not like the working environment and therefore quit. This is not considered good cause attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated April 3, 2014, 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 benefits amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs