

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ABDELLAH TAYADIRT
Claimant

HY-VEE INC
Employer

APPEAL 17A-UI-02340-CL

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/05/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 27, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A hearing was held on April 12, 2017, in Des Moines, Iowa. Claimant participated. Employer participated through store director Scott James, human resource manager Jenny Paullin, assistant manager of store operations Casey Rogers, and manager of store operations Ian Schutt. Employer's representative, Bruce Burgess, appeared by telephone. Claimant's Exhibits 3, 4, and 5 were received. Employer's Exhibits A and B were received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in 2012. Claimant last worked as a part-time night stocker. Claimant was separated from employment on February 6, 2017, when he resigned.

Employer has a policy requiring employees to wear a visible name badge, lead the customer to a requested item, and say thank you to every customer. Claimant was aware of the policy. Claimant had been working without a name tag during the last six months of his employment. Claimant asked a manager twice for a new name tag, but did not receive one.

On January 27, 2017, customer care and education manager Nerminka Dogic approached claimant in the aisle and told him that he had received a failing score from a mystery shopper because he was not wearing a name tag, did not lead the customer to the requested item, and did not thank the customer. Claimant did not want to discuss the issue in the aisle. Dogic informed upper management she was not able to have the discussion with claimant regarding the mystery shopper score. Store director Scott James gave a directive that claimant could not work until he reviewed the mystery shopper report with a manager.

On Friday, February 3, 2017, night manager Marco Smith suspended claimant without pay as instructed by upper management. Smith told claimant he needed to contact upper management to learn the reason he was being suspended. Claimant contacted manager of store operations Ian Schutt who instructed claimant to come in for a meeting on Monday, February 6, 2017.

On Monday, February 6, 2017, claimant met with Schutt and assistant manager of store operations Casey Rogers. Schutt tried to review the mystery shopper report with claimant and present him with a disciplinary warning. Claimant was upset for several reasons. Claimant was upset that he had been suspended. Claimant believed it was not his fault he did not have a name tag on the night the mystery shopper visited the store. Claimant also felt humiliated that Schutt was instructing him on how to say thank you to a customer. Claimant refused to sign the disciplinary warning and left the meeting. Claimant did not return to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25(28) 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:

(28) The claimant left after being reprimanded.

In this case, claimant resigned after being reprimanded by employer for receiving a failing score from a mystery shopper. While claimant may believe he had good personal reasons for resigning, he did not establish he resigned for a good cause reason attributable to employer under the law.

DECISION:

The February 27, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/