

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICHARD C EDWARDS**  
Claimant

**APPEAL NO. 11A-UI-11514-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CULVERS OF CORALVILLE**  
Employer

**OC: 06/12/11**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated August 29, 2011, reference 03, which denied unemployment insurance benefits. After due notice was issued, a telephone hearing was held on September 27, 2011. The claimant participated personally. The employer participated by Ms. Kristin Najarro, general manager. Exhibits A, B, and C were received into evidence.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Richard Edwards was employed by Culvers of Coralville from March 2005 until June 10, 2011, when he voluntarily relinquished his position with the company. Mr. Edwards last worked as a first assistant manager and was paid by salary. His immediate supervisor was Ms. Kristin Najarro.

Mr. Edwards left his employment with Culvers of Coralville when he no longer was willing to work in a management position for the company. Due to personal stress and family obligations, Mr. Edwards had requested a demotion from his management position to an hourly job with the company. Approximately one week before his leaving, the claimant was informed in a meeting that there were no hourly positions available and that his employment would come to an end if he relinquished his management job with the company. Mr. Edwards again reiterated his desire to be a crew member and walked out of the meeting. Based upon the claimant's 30-day notice to the employer of his intention to quit his management position, his employment came to an end on June 10, 2011. Subsequently, the employer attempted to contact Mr. Edwards to offer him re-employment as an hourly employee. However, the claimant did not respond.

## **REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes that Mr. Edwards left his employment with good cause attributable to the employer. It does not.

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 has the burden of proof in cases of voluntary leaving. See Section 96.6-2.

In this case, Mr. Edwards left his management position with Culvers of Coralville in hopes that he would be able to transition into the position of an hourly employee. The claimant's reasons for leaving his management position were personal in nature, related to stress and family obligations. The claimant provided the company his 30-day notice of intention to leave his employment. Company policies do not provide that an individual who leaves a management position will be able to transition into an hourly job.

Although Mr. Edwards was specifically informed before leaving that his leaving of his management position would cause him to leave his employment with the company, as no hourly positions were available at that time, the claimant nonetheless chose to leave his management position and his employment with the company.

The question before the administrative law judge is not whether Mr. Edwards had good personal reasons for leaving his employment, but whether the claimant had good-cause reasons attributable to the employer. The evidence in the record does not establish good-cause reasons attributable to the employer. Unemployment insurance benefits are therefore withheld.

## **DECISION:**

The representative's decision dated August 29, 2011, reference 03, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw