

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHELSEA A VOYEK
Claimant

APPEAL NO. 14A-UI-06965-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 06/08/14
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 26, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 18, 2014 after the hearing was continued for further evidence by Administrative Law Judge Stevenson, Retired. Claimant participated. Employer participated by Scott Faber, In-House Attorney for Casey's, with witnesses Kristy McDonald, Manager; Kristin Bailey, Second Assistant Manager; and Lucinda Rodamacker, Cashier. Exhibits A, B and One were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 1, 2014. Claimant quit because of a reprimand that she felt was not fair. Claimant also quit due to comments by a manager that claimant should grow a pair. Claimant felt that she was being treated differently than men in the business even though there are very few men working for this company. Claimant was generally unhappy with her coworkers. Employer asked claimant repeatedly to think about her pending resignation. Continued work was available if claimant had not quit. Employer would not have discharged claimant if claimant had not quit.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a reprimand, dissatisfaction with the work environment and dislike of her supervisor. These are all personal reasons for quitting and not good cause attributable to employer. The off-color remark by a supervisor does not in and of itself show a discriminatory work environment. This is a single off-color statement. There is absolutely no showing that claimant was prejudiced by being female. To the contrary, most of the workers in this business are female and all were treated the same. Benefits withheld.

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(21), (22), (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:

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

DECISION:

The decision of the representative dated June 26, 2014, reference 01, 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 benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/can