

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANGELA M WIKE**

Claimant

**APPEAL NO. 13A-UI-00871-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**

Employer

**OC: 12/23/12**

**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 January 17, 2013, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on April 8, 2013. The claimant participated. The employer participated by Ms. Geam Yamaga, Manager.

**ISSUE:**

The issue is whether 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: Angela Wike was employed by Casey's Marketing Company from December 16, 2011 until December 20, 2012 when she left employment without notice. Ms. Wike was most recently assigned to work as a full-time night cashier/pizza maker and was paid by the hour. Her immediate supervisor was Ms. Yamaga.

Ms. Wike was previously assigned to days but volunteered to work nights for her employer until a replacement could be found. Claimant remained on nights longer than she wanted to and from time to time inquired whether the company was attempting to find a night replacement. The claimant was assured that the company was making those efforts but a replacement had not yet been found. Ms. Wike was then off work for approximately two to six weeks on medical leave and returned to work on December 6, 2012. Ms. Wike was told upon her return that it would be necessary for her to continue to work the night shift again at least temporarily as a permanent night shift worker had not been hired. The employer believed the claimant would not have difficulty handling any job responsibilities because other helpers were available so that the claimant's physical activities would not exceed any medical limitations.

On approximately December 20, 2012, Ms. Wike had decided to leave her employment and did so without advance notice to the employer. The claimant was dissatisfied with the length of time

that she was required to remain on the night shift. She felt that the night shift work was not only stressful but also the lifting was excessive.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment without 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(18) 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:

(18) The claimant left because of a dislike of the shift worked.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. 871 IAC 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

In this matter, Ms. Wike had expressed some general dissatisfaction to her manager about the length of time that she remained on the night shift. The claimant then was off work for a substantial period of time and when she returned only a night shift position was again temporarily available to the claimant until other scheduling took place or the company was able to hire a permanent night shift replacement. The employer was reasonable in concluding that there was sufficient help on duty throughout the night shift so that the claimant would not be required to exceed any medical limitations while performing her duties. Prior to leaving employment the claimant did not indicate that she would be quitting employment if her shift was not changed. Ms. Wike left without giving her employer a reason or a final opportunity to address or resolve her dissatisfactions. The claimant's reason for leaving therefore was not attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated January 17, 2013, reference 01, 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 her weekly benefit amount and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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