

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEADOW L CHRISTENSEN

Claimant

APPEAL NO: 14A-UI-06694-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAMILY DOLLAR STORES OF IOWA INC

Employer

OC: 06/01/14

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(3) – Seek Other Employment
871 IAC 24.25(21) – Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 24, 2014, reference 01, that held she voluntarily quit without good cause attributable to her employer on May 7, 2014, and benefits are denied. A telephone hearing was held on July 21, 2014. The claimant participated. Chris Funk, Manager, participated for the employer. Official Notice was taken of claimant appeal documents.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant was hired on June 7, 2013 and last worked as a full-time assistant manager on May 7, 2014. Claimant was last paid an hourly rate of \$9.25. She worked at a Council Bluffs, Iowa location under the supervision of store manager, Funk.

Claimant had started a part-time job at Memories Sports Lounge of Council Bluffs. She was paid \$7 an hour, and could earn tips. Claimant gave her manager two weeks' notice she would be quitting May 7 with the hope she would become full-time at the Lounge. The employer accepted claimant's notice and separation.

Claimant was paid cash for her work at the Lounge. She knew she had not submitted a W-4 employee tax withholding form. Sometime later, she requested the form and the employer began withholding taxes and social security from her pay. The department has no record the Lounge has an employer tax account with the department and there is no record the Lounge reported taxable wages to it.

Claimant had some work issues about working long days, not getting work rewards and losing out on raises due to low business volume she attributes to shop-lifters. Claimant did not raise these issues as reasons for quitting employment to the employer.

REASONING AND CONCLUSIONS OF LAW:

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(3), (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 § 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 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:

(3) The claimant left to seek other employment but did not secure employment.

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

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer on May 7, 2014 due to seeking other employment and work dissatisfaction. All of the reasons offered by claimant for quitting are to be considered as to whether any one is for good cause attributable to the employer.

The claimant quitting for other/better employment is not established. She had worked part-time at the Lounge for cash and did not challenge the business as to whether she was considered an employee until after she had quit the employer. There is no department record that establishes the Lounge as a taxable account employer.

While claimant might have had issues with the employer, they were not so egregious as to challenge the employer on them. In addition, she was willing to work for two weeks beyond the notice period. Good cause attributable to the employer is not established.

DECISION:

The department decision dated June 24, 2014, reference 01, is affirmed. The claimant voluntarily quit without good cause on May 7, 2014. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs