

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAMELA J JOST**  
Claimant

**APPEAL NO. 13A-UI-12700-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 10/13/13**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Pamela Jost (claimant) appealed a representative's November 5, 2013, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Hy-Vee (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 5, 2013. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer was represented by Ajah Anderson, Director of Operations, and participated by Brad Walters, Store Director, and Emily Adams, Human Resource Manager. The employer offered and Exhibit One was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on September 17, 2011, as a full-time sushi clerk. The claimant was friends with her co-worker, the Chinese department clerk. On July 31, 2013, a customer complained about the claimant yelling at her co-worker. The employer issued the claimant a reprimand for her behavior. On October 7, 2013, the claimant verbally told the employer she was quitting and her last day would be October 24, 2013. She wanted to pursue other opportunities but did not have other employment. The employer accepted the claimant's resignation and asked her to provide written notice.

On October 10, 2013, the claimant complained about her co-worker but did not say that the co-worker's actions were the reason for her resignation. The employer, claimant, and co-worker discussed the claimant's issues. The claimant complained that the co-worker asked for verification of the claimant's last day of work. The co-worker was preparing the claimant's schedule. The claimant said the co-worker did not hear her when she told him a customer wanted to talk to him. The co-worker has a hearing impairment. The claimant complained that the co-worker put a cart in her area. The co-worker put a cart full of freshly washed produce over the nearest drain. The claimant complained that the co-worker made shadow boxing

moves when she was near him. The co-worker did not know what this was but sometimes he mimicked a dance that the department manager performed. The claimant seemed appeased by the meeting but still planned to quit.

On October 14, 2013, the claimant gave the employer a written letter of resignation. The claimant indicated that her co-worker exhibited threatening and bullying behavior. She changed her resignation effective date to October 21, 2013. The employer notified the claimant that October 16, 2013, would be her last day of work. The employer paid the claimant wages through October 21, 2013.

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

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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(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 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer that she was leaving and quit work. When an employee quits work because she is dissatisfied with the work environment, her leaving is without good cause attributable to the employer. The claimant left work because she did not like her work environment. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's November 5, 2013, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs