

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**SARAH FISHER**  
Claimant

**WALGREEN CO**  
Employer

**APPEAL NO. 18A-UI-11400-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/04/18**  
**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 November 20, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 7, 2018. Claimant participated. Employer participated by Dave Hohenshell and Mic Myers.

**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 October 26, 2018. Claimant voluntarily quit on that date.

Claimant was an assistant manager trainee for employer. In March of 2018, claimant received a disciplinary action for inappropriately sharing confidential information. Claimant spoke with the district manager who gave claimant her discipline and she asked if this would interfere with her ability to be promoted. The district manager stated that he believed claimant could still be an assistant manager after receiving the discipline. Claimant researched the situation further and found out that the move from assistant manager trainee to assistant manager was seen by employer as a promotion, and that employees cannot be promoted within one year of a disciplinary action. This upset claimant greatly and she felt that she'd been lied to by her district manager.

Claimant was also troubled by a subordinate worker who would question claimant's work efforts. Although claimant was above the other employee, he would tell claimant work to do, and comment on her lack of willingness to do stocking of products. Claimant complained to her store manager about this person, but did not take her complaints any further. The store manager stated that he did address the matter with the offender, but took no further action.

Claimant stated that the last, most recent action that led to her dismissal was the harassment of the subordinate.

At the time of claimant's quit, there was still ongoing work available to her.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 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 she felt harassed and lied to by employer.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.*

In this matter, neither of claimant's two reasons for her quit constitutes good cause attributable to employer. Claimant's concern over her disciplinary action hampering her promotion ability, and her district manager's inaccurate annunciation of the company policy on the matter is understandable but not an intentional deception on employer's part. Employer explained that he did not consider the move from a trainee to no longer a trainee to be a promotion; the company considered it otherwise. Employer's statements were not intended to deceive. The district manager wanted claimant to be promoted. He was mistaken in not understanding that the removal of the 'trainee' was seen as a promotion and not a function of time and knowledge.

Claimant's other complaint is also not seen to constitute good cause for quitting attributable to employer. When a subordinate was saying inappropriate things to claimant she could have acted upon it herself as a management trainee. She chose not to do so. Employer also addressed the situation with the offender and claimant didn't mention it again.

**DECISION:**

The decision of the representative dated November 20, 2018, 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.

---

Blair A. Bennett  
Administrative Law Judge

---

Decision Dated and Mailed

bab/scn