

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**SHAMEKIA J HUBERT**  
Claimant

**KWIK SHOP INC**  
Employer

**APPEAL NO. 18A-UI-00379-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/17/17**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 3, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 31, 2018. Claimant participated. Employer participated by hearing representative Thomas Kuiper and witness Ronnie Houtekamer.

**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 December 11, 2017. Claimant voluntarily quit on December 12, 2017, after employer had seemingly not addressed staffing concerns and concerns between the workers.

Claimant worked as a clerk for employer. She stated and employer acknowledged that there were staffing problems at the store where claimant worked. Employer stated that at the time of claimants quit that there were eight workers at the store, and that it took 13-14 workers in order to be fully staffed. Claimant stated on multiple occasions she was left to work by herself when there were always to be two people working at the store.

Claimant additionally stated that infighting between workers was not addressed by employer. Although employer knew of the difficulties between employees, employer did not have a staff meeting or directive to deal with the issues.

Claimant stated that she'd spoken with employer about both of the aforementioned issues, but didn't see changes occurring, and that led to her quit. Employer stated that they were in the process of hiring five additional employees, but that the hiring takes time to do the necessary background checks, and they had to get help from all parties until the hiring was completed. Employer additionally stated that their previous store manager had quit and the person placed as temporary store manager was not experienced as a manager.

Employer also stated that there was on-going work available for claimant.

**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.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was asked to work at a store on repeated occasions by herself when there were always to be two people at the store, employer had not hired sufficient employees for the store, and the employees had great animosity towards one another that was not addressed by management.

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.* Here, employer was not aggressively looking for substitute employees when a few workers were lost, but waited until 5-6 employees below the optimum number had left before starting the process to get new workers. Combining this with the fact that a person who hadn't been a store manager was placed in a management position at the store where claimant worked, and claimant was placed in an untenable position.

**DECISION:**

The decision of the representative dated January 3, 2018, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn