

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LOCHEREE L WHITE**  
Claimant

**APPEAL NO: 19R-UI-00604-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 11/11/18**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 5, 2018, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on February 5, 2019. The claimant participated in the hearing. Lacey Ramsey, Human Resources Manager; Bruce Anderson, Bakery Manager; Jeff Mallory, Store Director; and Frankie Patterson, Employer's Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time donut finisher/sweet shop clerk for Hy-Vee from August 3, 2017 to November 21, 2018. She voluntarily left her employment by walking off the job November 21, 2018.

On October 4, 2018, the claimant provided the employer with a doctor's note stating she was having trouble getting up in time for her 4:00 a.m. donut finisher shift. The employer then split the claimant's shifts between donut finisher and sweet shop clerk. On October 31, 2018, the claimant received a written warning for tardiness and absenteeism. She was instructed to be on time and not miss anymore shifts unless she communicated with the employer. The warning stated that further incidents of absenteeism could result in disciplinary action up to and including termination.

The claimant was scheduled and worked November 12, 13 and 18, 2018. On November 19, 2018, the other donut finisher resigned due to transportation issues and the claimant was standing next to the bakery manager when he reassigned that employee's shifts to the claimant. The claimant worked November 19, and 20, 2018. She walked off the job at 6:55 a.m. November 21, 2018, and did not report for work or call the employer November 23, 25, 26, 28, 2018, and the employer determined the claimant voluntarily quit her job. The claimant did not communicate any concerns to the employer about her employment before walking off the job.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant asked for an accommodation because she had trouble getting up early and the employer agreed she could work two days in each position. The claimant was doing that when the other donut finisher quit and the claimant's hours were increased in that position during that schedule because the employer did not have anyone else to cover yet. The claimant worked November 19 and 20, 2018, before walking off the job November 21, 2018. She never spoke to the employer about her concerns before leaving her employment by walking out.

While the claimant did not like getting up so early, she did so two times per week and the employer asking her to cover the remainder of the schedule for an employee who had to leave because of transportation issues was not unreasonable. The claimant has not demonstrated that her leaving was for good cause attributable to the employer. Therefore, benefits are denied.

## **DECISION:**

The December 5, 2018, reference 02, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn