

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIDIA CORONA
Claimant

APPEAL NO: 11A-UI-11729-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

J & M PARTNERSHIP/MCDONALDS
Employer

OC: 08/07/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(27) – Refusal to Follow Procedure

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 1, 2011, reference 01, that held she voluntarily quit employment without good cause on May 2, 2011, and benefits are denied. A telephone hearing was held on September 29, 2011. The claimant with Interpreter, Ike Rocha, participated. Larry Freyberger, GM, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with 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 worked for the employer as a full-time crew person for about a year and one-half until May 2, 2011. Manager Freyberger had a conversation with claimant about following procedure, and she left work. She failed to return to work for three or four days and her daughter told the employer she had quit.

Claimant subsequently worked for La Colona Company (er#347823) from about July 20, 2011 to August 6. This employer did not protest her August 7 unemployment claim, but she did not earn sufficient wages from this employment to re-qualify from her employment separation in this matter (10 x \$220 WBA = \$2,200).

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.

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 § 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:

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

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on May 2, 2011 due to an issue with following employer procedure.

The claimant admitted in this hearing she quit her job. She did not file for unemployment until after an employment separation with a different employer on August 6 when she learned she had not earned sufficient wages to re-qualify. She did not offer a good cause for quitting and she was not forced to quit.

DECISION:

The department decision dated September 1, 2011, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on May 2, 2011. Benefits are denied until the claimant has worked in and is 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