

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERRINA LAKE**

Claimant

**APPEAL NO. 12A-UI-11971-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**

Employer

**OC: 09/16/12**

**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Terrina Lake filed a timely appeal from the October 2, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on October 30, 2012. Ms. Lake did not participate in the hearing. Ms. Lake provided a telephone number for the hearing, but was not available at that number at the time of the hearing. Sherry Thomatos represented the employer. Exhibits One, Two, and Three were received into evidence.

**ISSUE:**

Whether Ms. Lake separated from the employment for a reason that disqualifies her for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Terrina Lake was employed by the Casey's store in Burlington as a full-time cashier and cook from February 2011 until September 4, 2012, when she voluntarily quit in response to a reprimand and in response to the employer's refusal to change her work hours. Ms. Lake's immediate supervisor was Sherry Thomatos, store manager. On September 4, 2012, Ms. Thomatos met with Ms. Lake for the purpose of issuing a written reprimand for attendance. A few days earlier, Ms. Lake had left Ms. Thomatos a note indicating that she needed to restrict her availability for work to 4:00 p.m. or later and could not longer work weekends. During the discussion regarding issuance of the reprimand for attendance, Ms. Thomatos told Ms. Lake that she could not accommodate her change in availability. Ms. Lake became angry during the discussion. Ms. Lake put her store keys down and told Ms. Thomatos, "I don't have to deal with this." Ms. Lake then left several hours before the scheduled end of her shift. Ms. Lake did not return or make further contact with the employer.

## REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

An employee who voluntarily quits in response to a reprimand is presumed to have quit without good cause attributable to the employer. See Iowa Admin. Code section 871 IAC 24.25(28).

An employee who voluntarily quits in response to dissatisfaction with the work hours is presumed to have quit without good cause attributable to the employer. See Iowa Admin. Code section 871 IAC 24.25(18).

The evidence in the record indicates that Ms. Lake voluntarily quit on September 4, 2012 in response to a reprimand and in response to the employer's refusal to change her established work hours. Ms. Lake voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Lake is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

## DECISION:

The Agency representative's October 2, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw