

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JOYCE L ANDERSON  
29 DILLMAN DR APT 9A  
COUNCIL BLUFFS IA 51503-1608**

**HARVEYS IOWA MANAGEMENT CO INC  
HARRAHS COUNCIL BLUFFS CASINO  
1 HARVEYS BLVD  
COUNCIL BLUFFS IA 51501**

**APPEAL NO: 06A-UI-07707-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APPEAL RIGHTS:**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

***Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JOYCE L ANDERSON**  
Claimant

**APPEAL NO: 06A-UI-07707-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HARVEYS IOWA MANAGEMENT CO INC  
HARRAHS COUNCIL BLUFFS CASINO**  
Employer

**OC: 07-02-06 R: 01  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 21, 2006, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 31, 2006. Claimant participated. Her named witness Tammy Cashatt was not available. Employer participated through Tanya Achenbach and Doris Stevenson.

**ISSUE:**

The issue is whether claimant quit the employment without good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time housekeeper through June 18, 2006 when she quit. Claimant had worked nights, swing shifts and graveyard shifts and various daytime shifts during her employment. Someone else was quitting and claimant asked for those hours but had to bid for the hours. She quit rather than bid for the hours and she could have kept her regular hours but did not want to work with a particular coworker, Sherry, who she thought was rude. They worked overlapping shifts from 10 a.m. to 2:30 a.m. in different areas. Sherry worked in hotel and claimant in the casino. The day before she quit her immediate supervisor, Doris Stevenson thought claimant “was fine” since she was in the office and said nothing about her shift or Sherry. The following day claimant was a no-call/no-show so Stevenson called her and she said she overslept but did not mention Sherry or any dissatisfaction with her shift or bidding for another shift. She did not report for work or communicate with employer thereafter.

## 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:

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(6), (18), (21) and (22) provide:

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:

(6) The claimant left as a result of an inability to work with other employees.

(18) The claimant left because of a dislike of the shift worked.

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

(22) The claimant left because of a personality conflict with the supervisor.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. *Cobb v. Employment Appeal Bd.*, 506 N.W.2d 445 (Iowa 1993). Claimant was not required to give notice of his intention to quit due to an intolerable, detrimental or unsafe working environment if employer had or should have had reasonable knowledge of the condition. *Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

Claimant's dissatisfaction with her shift and a coworker were not good cause reasons for leaving the employment. Benefits are denied.

**DECISION:**

The July 21, 2006, reference 01, 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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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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