

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MICHELE M PETERSON**  
Claimant

**APPEAL 17A-UI-06368-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOODWILL OF THE GREAT PLAINS**  
Employer

**OC: 05/28/17  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(27) – Quit Rather than Perform Work as Assigned

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 16, 2017, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on July 10, 2017. The claimant participated and testified. The employer did not participate.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a general retail associate from January 18, 2016, until this employment ended on May 27, 2017, when she voluntarily quit.

On May 26, 2017, claimant submitted her resignation to the employer both verbally to her immediate supervisor, and via text message to her district manager. Claimant testified she was resigning because she was becoming very frustrated with a situation at work where the employer would give her keys to the store to open or close, but then later take them away. Claimant further explained these job duties are typically performed by a lead. According to claimant she was first given lead duties in March 2016, but was not given a pay increase at the time because she did not meet the minimum job qualification of having a driver's license. Claimant was of the understanding that once she got a license she would be eligible for a promotion. However, claimant was not given a promotion once she received her license, as she was on a disciplinary probation at the time. Despite the fact that claimant was not promoted, she was still sometimes given the keys and asked to perform opening/closing duties, as well as other lead duties, on an as needed basis for the employer. Claimant, unhappy with the constant fluctuation of her duties, resigned.

Initially, claimant agreed to work a two-week notice period, but on May 27, 2017, changed her resignation to be effective immediately. This change occurred after a coworker made an unkind comment to claimant indicating she hoped she was unable to find another job and the supervisor did not impose any sort of discipline. Claimant identified several other issues that occurred over the course of her employment that led to her dissatisfaction with her work environment, but these incidents were unrelated to the reasons she ultimately decided to resign.

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

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 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 section 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 section 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:

- (27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Here, claimant became frustrated with the fact that the employer would sometimes request that she perform lead duties as it needed, but would not formally promote her to the lead position, first because she did not have a driver's license and then because she was on disciplinary probation. The unkind words of claimant's coworker led to her decision to end her employment immediately without working through her notice period. While claimant's situation may have been frustrating and her leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Similarly, while claimant's coworker's comments may have been unkind and uncalled for, and while it may be understandable that claimant would not want to work with someone who would wish her ill, the

comment does not amount to an intolerable working condition and is not a good cause reason for leaving employment. Benefits are denied.

**DECISION:**

The June 16, 2017, (reference 01) unemployment insurance 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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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/rvs