

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHLEEN A MILLER
Claimant

APPEAL NO. 12A-UI-03707-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**GREAT PLAINS SPECIALITY FINANCE INC
CHECK 'N GO**
Employer

OC: 02-12-11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 30, 2012, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on April 25, 2012. The claimant did participate. The employer did participate through Randy Jondal, District Director of Operations.

ISSUE:

Did the claimant voluntary quit her employment without 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 customer service representative part time beginning May 27, 2009 through December 19, 2011 when she voluntarily quit. The claimant and another employee were going to be written up for a twenty dollar cash shortage. The claimant alleges that as a result of this disciplinary action her direct supervisor, Mark, told her she was going to be discharged. Mark as store manager did not have the authority to discharge the claimant, only Mr. Jondal as the district director had the authority to discharge an employee. The claimant knew that Mark did not have the authority to discharge her. When the claimant spoke to Mr. Jondal after turning in her notice of resignation she never told him that Mark told her she was going to be discharged. The claimant's evidence does not establish that Mark ever told her she was going to be discharged. Under the employer's policies the claimant's write up would not have resulted in her discharge. The claimant was simply angry that Mark had not given her vacation on December 24 as she had requested. The claimant submitted a resignation letter and spoke to Mr. Jondal. In neither her resignation letter nor her conversation with Mr. Jondal did the claimant indicate that Mark told her she would be discharged. Continued work was available for the claimant if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

871 IAC 24.25(22), (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:

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

(25) The claimant left to take a vacation.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

The claimant was never told she was going to be discharged. Mark did not have the authority to discharge her. The claimant was simply angry that she was not granted her vacation time and that she and another employee were going to be disciplined for a cash shortage. She is now claiming she was discharged in an attempt to collect unemployment insurance benefits. The claimant was not entitled to be granted any time off she requested and an employer is within their rights to discipline employees for cash shortages. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The March 30, 2012 (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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs