

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMANDA M FISHER**  
Claimant

**APPEAL NO. 11A-UI-05677-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY  
CASEY'S GENERAL STORES**  
Employer

**OC: 04/03/11**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Amanda Fisher filed a timely appeal from the April 22, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on May 23, 2011. Ms. Fisher participated. Sara Luebbert, Supervisor, represented the employer.

**ISSUE:**

Whether Ms. Fisher's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Amanda Fisher was employed by Casey's as a full-time store manager from February 28, 2011 until April 1, 2011, when she voluntarily quit. Ms. Fisher's immediate supervisor was Sara Luebbert, Supervisor. Ms. Luebbert supervises eight stores. Ms. Fisher voluntarily quit the employment after she concluded it was too stressful and not a good fit for her. Ms. Fisher was a new mother and underestimated the learning curve she would face at the time she accepted the employment. The employer had explained the nature of the position to Ms. Fisher and had not misrepresented the duties or workload. Ms. Fisher spent at least half of her employment period in training at another store. Once Ms. Fisher began the transition to store manager at her assigned store, she found the work more difficult, frustrating, and time consuming than she had expected. Ms. Luebbert and managers from other stores continued to assist Ms. Fisher with covering the store and mastering the duties. Ms. Fisher elected to leave the employment, after she concluded she had made a miscalculation by accepting the employment. The employer continued to have work available for Ms. Fisher.

**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.

When a worker voluntarily quits due to dissatisfaction with the general work environment, the quit is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(21).

On the other hand, if a worker voluntarily quits due to intolerable or detrimental working conditions, or quits because the work was misrepresented at the time of hire, then the quit is for good cause attributable to the employer. See 871 IAC 24.26(4) and (23).

The weight of the evidence establishes that Ms. Fisher voluntarily quit for personal reasons and not for good cause attributable to the employer. The weight of the evidence indicates that the employer explained in good faith the nature of the position and did not misrepresent the position to Ms. Fisher during the hiring process. The weight of the evidence establishes that the employer had Ms. Fisher go through the standard training process and continued to be willing and available to support Ms. Fisher as she worked toward mastery of the duties. The evidence fails to establish intolerable or detrimental working conditions. Ms. Fisher was a new mother. Mastering the new job did not mesh well with Ms. Fisher's family responsibilities. Ms. Fisher voluntarily quit because the job just was not a good fit. Ms. Fisher voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Fisher 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 for benefits paid to Ms. Fisher.

#### **DECISION:**

The Agency representative's April 22, 2011, 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

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