

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EMMILY TUBBS
Claimant

APPEAL NO: 14A-UI-04906-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

APPLE CORPS LP
Employer

OC: 04/13/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 7, 2014, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 2, 2014. The claimant participated in the hearing. Shawna Hayes, General Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with 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 part-time cook for Apple Corps from November 16, 2011 to March 22, 2014. She voluntarily quit her job by walking off the job.

The claimant was recently trained to work in the kitchen and was working as a cook March 22, 2014, when she had an argument with a server. She was upset and angry and Tae Oliver, who trains cooks and is considered the kitchen expert, told the claimant to leave the line because she was not focusing on the job at hand but the claimant did not want to leave the line. She was then told to leave the line by Manager Tammy Lodwig. After the argument with the server and her conversations with Mr. Oliver and Ms. Lodwig, the claimant decided to leave the restaurant. She stopped by General Manager Shawna Hayes' office. She did not tell Ms. Hayes her employment had been terminated by any of the other managers and only Ms. Hayes has the authority to hire and fire employees. Ms. Hayes tried to talk the claimant into staying and told her if she left in anger over the situation that evening the employer would not rehire her. The claimant said that was fine because she was done with that job, held another job concurrently with her position with the employer, and was leaving.

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 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 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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant maintains her employment was terminated, the employer argues she voluntarily quit her job. Ms. Hayes is the only manager with the authority to discharge an employee and she did not tell the claimant her employment was terminated when the claimant went to her office after her argument with the server and Mr. Oliver and Ms. Lodwig. Instead, Ms. Hayes encouraged the claimant to talk to Ms. Lodwig, with whom she had an issue, and return to work but the claimant refused to do so.

The claimant had an argument with a server and let her temper get the best of her. Because her anger was affecting her work performance, Mr. Oliver told her to get off the line but the claimant did not want to leave and refused to leave without being told again by Ms. Lodwig. In her anger she went to Ms. Hayes office and let her know she was leaving and Ms. Hayes made it clear if she left she would not be rehired by the employer. The claimant still made the decision to voluntarily leave her position with the employer and has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are denied.

DECISION:

The May 7, 2014, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css