

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARON A LIND
Claimant

APPEAL NO: 12A-UI-09990-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

KWIK TRIP INC
Employer

**OC: 07/22/12
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dissatisfaction of the Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 10, 2012, reference 01, that held she voluntarily quit employment without good cause on July 23, 2012, and which denied benefits. A telephone hearing was held on September 12, 2012. The claimant and her husband, Weston, participated. Alissa Jordan, store manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began work on April 23, 2011, as a full-time cashier/cook and later accepted additional work as a product demonstrator in April or May 2012. The claimant last worked on July 23, 2012.

During claimant's February 2012 performance appraisal, she requested less time working as a cook. The employer responded it would make an effort to find more kitchen help. Claimant approached the manager again in May about the same issue, stating she was unhappy with the kitchen work. Claimant visited a doctor about a health issue and he inquired about whether she was stressed by her job. She told him she was, but he did not make any recommendation she should quit her employment.

When the manager returned from maternity leave, claimant approached her on July 23 stating she was leaving. Claimant believed she might have to spend more time doing kitchen work, as the person making donuts was no longer going to do so. Claimant was working the same jobs at the time she quit without notice.

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.

871 IAC 24.25(21) 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:

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

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on July 23, 2012 due to job dissatisfaction.

The claimant was suffering from work stress, but she was not advised by her doctor to quit employment, so this reason cannot be considered as a good cause attributable to the employer. Since claimant was working the same employment as a cook/cashier and food demonstrator, there was no substantial change in her job that also can be considered as a good cause attributable to the employer.

Although claimant quit for a good personal reason due to her increasing dislike of kitchen work, it is not a good cause attributable to the employer based on her contract for hire.

DECISION:

The department decision dated August 10, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on July 23, 2012. Benefits are denied until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw