

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**CAREY A BUTLER
2210 LINDEN
IOWA FALLS IA 50126**

**CASEY'S GENERAL STORE
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

**Appeal Number: 04A-UI-11938-HT
OC: 12/07/04 R: 02
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The claimant, Carey Butler, filed an appeal from a decision dated November 1, 2004, reference 04. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 9, 2004. The claimant participated on her own behalf. The employer, Casey's, participated by Manager Virginia Brass-Kuiper and Area Supervisor Sherry Jacobs.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Carey Butler was employed by Casey's from May 3 until October 15, 2004. She was a full-time donut and pizza maker.

Ms. Butler had been written up on September 23, 2004, because she had been late on one day and absent on another without finding a replacement as required. She was upset by this and contacted Area Supervisor Sherry Jacobs who agreed to come to the store and have a meeting with her and Manager Virginia Brass-Kuiper. She arrived that same day, but the claimant left before the three of them could talk.

On October 15, 2004, Ms. Brass-Kuiper asked the claimant to change the gas prices. The claimant's regular duties were done, but she was still on the clock and other employees were unloading the grocery delivery. Ms. Butler balked at the request and demanded to know whose job it was to change the prices. The manager told her to forget it, that she would do it herself when she was done with the groceries. A write-up was prepared on the refusal of the order, but the claimant did not sign it.

In the meantime, Ms. Butler had called Ms. Jacobs and asked her whose job it was to change the gas prices. The area supervisor told her that the job should be done by whomever the manager designated, whoever was not busy. Shortly after that the claimant left at the end of her shift and told Assistant Manager Marcia Mumm she was quitting.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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) 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.

It is very apparent the claimant did not work well with Ms. Brass-Kuiper. She resented the disciplinary action issued to her for failing to find a replacement, and for being asked to change

gas prices. She did address her concerns to the area supervisor but then left the store before the promised meeting between the supervisor, the manager and herself could start. This evidences an unwillingness to actually discuss the problems and be at least partially responsible for resolving them. She quit because she did not get the answer she expected from Ms. Jacobs about the responsibility for changing the gas prices. Apparently she wished to be told it was not her job and she did not have to do it, and instead she was told it was a reasonable instruction from the manager and she should have done it. This is not good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of November 1, 2004, reference 04, is affirmed. Carey Butler is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/smc