

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAWN R KLENK
Claimant

SALLY BEAUTY SUPPLY LLC
Employer

APPEAL 15A-UI-01406-KCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/04/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 21, 2015 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 27, 2015. The claimant participated. The employer participated through Abigail Burton, assistant manager.

ISSUE:

Did the claimant quit 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 an outside salesperson and was separated from employment on January 7, 2015 when she quit.

The claimant was primarily involved in outside sales, although she also performed some duties in the retail store. On January 2, 2015 the claimant was prepared to make product deliveries in her vehicle. She advised staff that she needed money for gas and asked a friend to bring her cash. Her supervisor was aware of the situation. Coworkers later informed the claimant that her supervisor questioned whether she had caused a \$10 shortage in the cash register. The claimant did not discuss the situation with her supervisor.

On January 6, 2015 supervisor Burton held a meeting and indicated that the cash drawers were not reconciled. The supervisor mentioned a \$10 shortage in the cash drawer and questioned the claimant's earlier behavior in needing cash for gas. The supervisor indicated that she suspected it might be the claimant but she did not her accuse of theft. The claimant responded to Burton's statements as an indication that she was fired and the claimant left the meeting. On January 7, 2015 another staff meeting was held. The claimant attended the staff meeting, as did her supervisor, district manager, and other employees. No supervisory staff told the claimant that her job was in jeopardy. She expressed fear of using the cash register because someone might accuse her of theft. The district manager advised her that use of the cash register was a requirement of her position. The claimant did not return to work after the meeting.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21) and (22) provide:

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.

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

The 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 interpreted the supervisor's comments to her during a staff meeting on January 6, 2015 to be a dismissal and she left the meeting. After the second staff meeting, the claimant did not return to work. She testified that she quit because she thought her good name was being questioned in connection with a \$10 cash discrepancy. She indicated that no supervisory staff indicated that her job was in jeopardy.

The claimant decided to quit because she thought the manager suspected her of taking \$10 out of the cash register. She was not accused of theft and she was not told that her job was not in jeopardy. While claimant's leaving the employment may have been based upon personal reasons, it was not for a good cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The January 21, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Kristin A. Collinson
Administrative Law Judge

Decision Dated and Mailed

kac/can