

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**APRIL A RITCHISON**  
Claimant

**MENARD INC**  
Employer

**APPEAL 15A-UI-04733-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/15**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 7, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on May 26, 2015. The claimant participated. The employer participated through Stacy Hanson. Employer Exhibit One was admitted.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a laborer/trainer and was separated from employment on November 8, 2014, when she resigned without notice. Continuing work was available.

Prior to resigning, the claimant left her abusive husband on October 31, 2014, and moved in with her son, who was located in Council Bluffs, Iowa. The claimant's work location was in Shelby, Iowa. The claimant did not have transportation to Shelby at that point, and did not feel she could perform work due to stress. The employer did have a shuttle available that will pick up employees in Council Bluffs.

The claimant had stress related to headsets and her new supervisor, Noah. She did not like the way he managed, and she felt a sense of personal responsibility for meeting her production goals and Noah's management made it hard for her. She was not reprimanded for her job performance.

Prior to the claimant's resignation, she was offered by Stacy Hanson, to take a medical or personal leave of absence, to preserve her job. However, the claimant was unable to coordinate transportation to Shelby, Iowa to complete the paperwork. The claimant did not provide the employer with medical documentation to support her resignation and verbally resigned to Ms. Hanson on November 8, 2014.

## 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(20), (21), (30) 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 § 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 § 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

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

(30) The claimant left due to the commuting distance to the job; however, the claimant was aware of the distance when hired.

Iowa Code § 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

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 administrative law judge recognizes the claimant was going through a difficult time, due to personal illness and the undoubtedly difficult decision to leave her husband. However, no medical documentation was provided to the employer or for the hearing that advised the claimant to resign due to illness. The claimant determined that resigning was the best choice for her. Further, when made aware of the claimant's situation, the employer attempted to help the claimant preserve her employment, by offering both a personal and medical leave of absence to the claimant. The claimant was unable to make transportation arrangements to complete the paperwork.

The claimant also testified she struggled once management changed and Noah became her new supervisor. An employer has the right to allocate personnel in accordance with the needs and available resources. Brandi v IDJS, (Unpublished Iowa App. 1986). The claimant did not present evidence that she was being reprimanded or treated unfairly as a result of the change in management. Given the stale dates of the other complaints, they are not individually addressed as the claimant acquiesced to them by not raising concerns with human resources or quitting earlier when they arose.

Therefore, based on the evidence presented, the administrative law judge finds that while the claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The April 7, 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.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

jlc/pjs