

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LONNA DAVIS**  
Claimant

**APPEAL 19A-UI-05523-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS LANE INC**  
Employer

**OC: 06/16/19  
Claimant: Appellant (1)**

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Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Lonna Davis (claimant) appealed a representative's July 3, 2019, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits because the claimant had voluntarily quit employment with Express Lane (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 5, 2019. The claimant participated personally. The employer provided a telephone number but could not be reached at the time of the hearing. A message could not be left for the employer. The claimant offered and Exhibit A was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 20, 2015, as a full-time laundry attendant. She complained to her manager on April 20 and May 15, 2019, about how employees treat each other. Sometimes co-workers would not assist her. At times they would engage in childish behavior, gossip, or sit on the counters.

On May 27, 2019, the claimant learned that the acting assistant manager had marked some bills to see if the claimant was stealing money from the company. The claimant resigned on May 27, 2019. Continued work was available for the claimant had she not separated from employment.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant did voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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) 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.

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's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work. When an employee quits work because she is dissatisfied with the work environment, her leaving is without good cause attributable to the employer. The claimant left work because she did not like her work environment. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's July 3, 2019, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs