

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NANCY J KEPHART
Claimant

APPEAL NO. 10A-UI-08884-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROWNELLS INCORPORATED
Employer

OC: 05/09/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 10, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 9, 2010. Claimant participated. Employer participated by Meg Ruzek, Director of Human Resources.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 7, 2010. Claimant quit because of dissatisfaction with the work environment. Claimant thought she was going to face discharge for absenteeism. Claimant had a final warning for absenteeism. Claimant also quit because she felt she was not receiving her reviews on time. Claimant did not receive her reviews on time. That did not affect her work. Claimant also quit because she was told to get to work by her supervisor the week prior to the quit. Claimant also quit because she was not allowed to drop her medical insurance. Claimant could not drop the insurance pursuant to policy. Claimant was very stressed out by the job and the health problems with a child. Claimant was using FMLA for medical appointments when her child was sick. Claimant had FMLA available when she quit. Claimant was in meeting when she quit. Claimant was asked if she could live up to the company expectations. Claimant said no. Claimant was asked if she was quitting and claimant responded in the affirmative.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of dissatisfaction with the work environment and the receipt of reprimands. Continued work was available if claimant had not quit. Leaving a job due to a

warning and dissatisfaction with the work environment is not good cause attributable to employer. Benefits shall be withheld.

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), (22), (28) 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.

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

(28) The claimant left after being reprimanded.

DECISION:

The decision of the representative dated June 10, 2010, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs