

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHELLEY L RICHARDS
Claimant

APPEAL 21A-UI-23455-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRICK STREET MARKET LLC
Employer

**OC: 09/12/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment
Iowa Code § 96.5(2)a – Discharge from Employment

STATEMENT OF THE CASE:

On October 20, 2021, claimant Shelley L. Richards filed an appeal from the October 12, 2021 (reference 01) unemployment insurance decision that denied benefits based on a determination that claimant voluntarily quit her employment. The parties were properly notified of the hearing. A telephonic hearing was held at 10:00 a.m. on Monday, December 13, 2021. The claimant, Shelley L. Richards, participated. The employer, Brick Street Market, L.L.C., participated through Reenie Hogan, General Manager. No exhibits were offered or admitted into the record.

ISSUE:

Did the claimant quit the employment without good cause attributable to the employer or was she discharged for reasons related to job misconduct sufficient to warrant a denial of unemployment benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for Brick Street Market, L.L.C., in August 2018. Claimant worked for the employer as the full-time bakery manager. Her employment ended on September 10, 2021, when she quit.

On September 10, 2021, claimant notified Hogan first thing in the morning that she was submitting a two-week notice and ending her employment. Hogan expressed sadness and disappointment, and then the two women commenced their work days. Claimant decided to resign because she was overwhelmed with work. The employer was trying to hire more employees to help her in the bakery, and claimant believed the employer wanted to support her. Claimant had wanted to step down to a non-management position, but she had pursued that option prior to resigning. Claimant also resigned due to personality conflicts in the workplace.

Later that morning, around 10:00 a.m., Hogan went to look for the claimant and could not find her. Kay told Hogan that claimant had been “freaking out” and said, “I’ve got to get out of here.”

Claimant then reportedly left the premises. Heather also told Hogan that she saw claimant drive out of the parking lot and away from the store. Hogan went back to look for the claimant around noon and she still had not returned. At that point, Hogan texted her and stated, "Apparently you have abandoned your job. Good luck in your new endeavors." Claimant replied, "I'm pulling into the parking lot to finish orders, but since you said that, that's cool. I'll return my fob." Continued work would have been available for the claimant, had she not quit her employment.

Claimant had previously become upset and left work in the past in response to issues in her personal life. Hogan indicated that claimant would communicate that she had left either at the time she was leaving or the following day. Hogan could not recall claimant walking off the job in response to a work issue.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment without good cause attributable to the employer. Benefits are withheld.

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 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:

(6) The claimant left as a result of an inability to work with other employees.

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

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

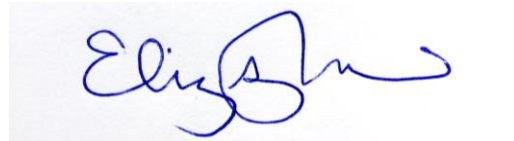
A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Here, the claimant effectively quit her employment twice. First, she submitted a two-week notice that she would be ending her employment due to her dissatisfaction with her work conditions and her work environment.

Claimant felt overworked and was having difficulty with other personalities in the workplace. While these may have been good personal reasons to leave employment, they were not good-cause reasons fairly attributable to the employer.

Next, claimant walked off the job on September 10. Hogan was present at work, but claimant did not say anything to her – or anyone else – about where she was going or when she would be returning. She was absent from the workplace for several hours without explanation. When Hogan reached out to the claimant and stated that she assumed the claimant had quit, the claimant did not attempt to correct her. She did not come back into the workplace to apologize for leaving, she did not explain to Hogan the circumstances surrounding her sudden departure, and she did nothing to dispute that she had quit when she walked out of work. Instead, claimant acquiesced and said, “That’s cool.” The evidence in the record supports a finding that claimant quit her employment effective immediately when she walked out of work on September 10. Benefits are withheld.

DECISION:

The October 12, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 28, 2021
Decision Dated and Mailed

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