

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH K POUNDSTONE
Claimant

APPEAL NO: 12A-UI-06833-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOODS INC
Employer

OC: 05/13/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 1, 2012, reference 01, that held she voluntarily quit employment without good cause on February 4, 2012, and benefits are denied. A telephone hearing was held on July 3, 2012. The claimant did not participate. Troy Bond, Dahl's store manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant began work on August 3, 2004 and last worked for the employer as a full-time cashier on February 4, 2012. The employer issued claimant a written warning for time and attendance issues and she later walked-out before the end of her shift. The store manager perceived she was embarrassed by the store director talking to her about being late in the presence of co-workers and customers. Continuing employment was available to claimant, had she elected to return.

The claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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(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:

(28) The claimant left after being reprimanded.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on February 4, 2012 due to a reprimand.

The employer issued claimant a written warning for time and attendance issues. Later the store director admonished claimant about being late in the presence of co-workers and customers. While the director might have been ill advised to speak with claimant about this employment issue in front of others, it is not so onerous as to merit a voluntary quit of employment with good cause.

DECISION:

The department decision dated June 1, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on February 4, 2012. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css