

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**MELODY D BOLE**

Claimant

**APPEAL 15A-UI-05963-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**

Employer

**OC: 08/17/14**

**Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Leaving  
871 IAC 24.27 – Voluntary Leaving Part Time Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 11, 2015, (reference 04) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 2, 2015. Claimant participated and was represented Jim Hamilton, Paralegal. Employer participated through Rhiannon Edwards, Store Manager. Employer's Exhibit One was entered and received into the record.

**ISSUE:**

Did the claimant voluntarily quit part-time employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a kitchen worker beginning on October 14, 2014 through November 22, 2014 when she voluntarily quit. The claimant told the store manager Ms. Edwards about the truck accidents she experienced during her prior full-time employment. She told Ms. Edwards she was on anti-depression medication and would need some time off to attend medical appointments. She asked for no other accommodations.

The claimant points to two incidents that she alleges led to her decision to voluntarily quit. She alleges her supervisor Ms. Edwards left her a 'nasty note' one day when she had forgotten to make cookies. The employer regularly fills out a program planner guide to keep track of what was done in the kitchen or needed to be done in the kitchen. The only thing Ms. Edwards wrote on the piece of paper was a circle on the area that indicated no cookies had been made by the claimant and her note simply said 'make cookies every day.' The employer did not leave any 'nasty' or offensive note for the claimant.

The second incident the claimant alleges led to her voluntary resignation was a confrontation between her and a coworker Joe. The claimant was the person who asked Joe about his prior jail time and whether he used drugs. The claimant was the instigator in the situation and her

coworker, Joe, was the person who complained about her behavior and comments. When Ms. Edwards spoke to her about the situation, the claimant made no complaints about Joe. Ms. Edwards merely told her to keep her personal opinions about her coworkers to herself.

On November 22 Ms. Edwards was in the store early to help the claimant master the donut making process as she was still a new employee and the process is complicated. When Ms. Edwards saw the claimant working she saw that the claimant had left donuts soaking in the frosting which is not the way the employer wants donuts frosted. Ms. Edwards told the claimant that the donuts could not soak in the frosting. Ms. Edwards was within her rights to instruct the claimant as to how to make the donuts. The claimant then picked up her purse, gave Ms. Edwards her hat and left the job.

The administrative record shows that the claimant has not requalified for benefits since this separation but reflects she may be otherwise monetarily eligible for benefits after this employer's wages are excluded from her wage record.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer, but has not requalified and may be otherwise monetarily eligible.

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.

The claimant has not established a hostile or intolerable work environment that gave rise to good cause attributable to the employer for leaving the work environment. She was the instigator when it came to her coworker, and her supervisor leaving a note to make cookies does not establish an intolerable work environment.

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. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the

individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

Inasmuch as the claimant voluntarily quit without good cause attributable to the employer, the separation is disqualifying. However, the claimant has not requalified for benefits since the separation and may be otherwise monetarily eligible according to base period wages. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The May 11, 2015 (reference 04), decision is modified in favor of the appellant. The claimant voluntarily left the employment without good cause attributable to the employer and has not requalified for benefits but may be otherwise monetarily eligible. Benefits are allowed, provided the claimant is otherwise eligible. The account of this employer (26054) shall not be charged.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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