

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**ROBIN R GEORGE**  
Claimant

**CASEY'S MARKETING CO**  
Employer

**APPEAL 17A-UI-00791-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/25/16**  
**Claimant: Appellant (1)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 13, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on February 13, 2017. Claimant participated. Employer participated through store manager Troy Swisher. Employer's Exhibit 1 was received.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in June 2014. Claimant last worked as a part-time cashier. Claimant was separated from employment on December 2, 2016, when she resigned.

In October 2016, claimant was on medical leave and staying with her significant other. During that time, claimant let two employees, who were also her friends, stay in her home. Claimant believed the employees were only going to stay in her home for a few days. However, the employees overstayed their welcome and did not properly care for the home. Claimant had to ask them to leave.

Sometime thereafter, while claimant was still on medical leave, she talked to a regular customer in employer's parking lot. Claimant spoke with the customer about her dispute with the employees. At least one of the employees was working at the time. The customer went inside the store and confronted the employee with claimant's side of the story. The employees reported the incident to store manager Troy Swisher. Swisher spoke with the customer who confirmed claimant informed the customer of the situation.

Also during claimant's medical leave, her son and significant other perceived that the employees spoke to them in a snide manner when they visited the store. Claimant reported this to Swisher, who was unable to confirm whether the employees were speaking in a snide tone.

Claimant was scheduled to return to work from medical leave on December 1, 2016. On November 30, 2016, Swisher met with claimant and gave her a written warning for involving a customer in a personal conflict. Swisher also informed claimant he was demoting her from the position of second assistant store manager to cashier. However, claimant's pay was not reduced.

On December 1, 2016, claimant returned to work and worked an entire shift with one of the employees with whom she had the dispute. The shift went fine. After the shift ended, Swisher met with claimant and the two employees. Swisher tried to mediate the dispute. The employees and claimant continued to quarrel. Swisher told all three of the employees they were welcome to transfer to another store if they felt they could not work together going forward. Claimant stated she was not interested in transferring to another store because she had another job. In fact, claimant did not have another job lined up. Claimant believed the other stores did not have hours available that would work for her, but she did not confirm this with Swisher.

The next day, December 2, 2016, claimant resigned because she did not want to work with the two employees.

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

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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(6) 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.

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).

In this case, claimant did not resign after being reprimanded or demoted. Claimant resigned after she decided she could no longer work with two other employees. Although it may have been undesirable to work with the two employees, the situation would not have been intolerable to a reasonable person. This is especially true when considering claimant did not further explore transferring to another store prior to giving her resignation. Claimant has failed to establish she quit for a good cause reason attributable to employer.

**DECISION:**

The January 13, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

cal/