

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDRIANNE G HALVERSON
Claimant

APPEAL NO. 09A-UI-00258-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CSOI CORP
Employer

**OC: 12/14/08 R: 02
Claimant: Appellant (1)**

Section 96.5-a – Voluntary Quit

STATEMENT OF THE CASE:

Andrienne G. Halverson (claimant) appealed a representative's January 6, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of CSOI Corporation (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 22, 2009. The claimant participated in the hearing. Chad Smith, a supervisor, appeared on the employers' behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on September 16, 2007. The claimant understood the employer hired her to be an assistant manager, but she worked as an assistant to the kitchen manager, D. The claimant worked full time.

During the course of her employment, the claimant complained to D. about the weekend employee who did not leave out enough products for her to make breakfast sandwiches and pizza when she came to work on Monday. Although D. indicated she would talk to the weekend employee, the claimant did not notice any improvement or change.

Smith became the supervisor the last five months of the claimant's employment. The claimant did not report any problems she had at work to him. On December 15, 2008, the weekend employee did not leave out enough products for the claimant on December 15. As a result, she had to spend a few minutes in the freezer to get the sausage and eggs she needed. Since the claimant only had an hour to prepare breakfast pizza and sandwiches before the store opened at 5:00 a.m., she did not like to add any extra steps to her routine.

When D. reported to work at 8:00 a.m., the claimant complained about the weekend employee's failure to again leave out enough breakfast products for her that morning. D. basically told the

claimant to stop complaining because the weekend employee complained that she did not leave enough product out for him either and did not complete her work before he reported to work. After D. told the claimant that if she did not like the situation she could leave, the claimant left work early. The claimant made the decision to leave and not return to work because the problem with the weekend employee had not been resolved.

After the claimant left work early, she contacted Smith. The claimant told Smith what had happened, that she left work early and had no plans returning to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she leaves employment for reasons that qualify her to receive benefits. Iowa Code § 96.6-2. The facts establish the claimant had a choice on December 15 of either staying or leaving if she did not like the situation. The claimant decided to leave work early. She called and informed Smith she was not going to return to work.

The law presumes a claimant quits without good because when she leaves because of dissatisfaction with the work environment, has a personality conflict with a supervisor, or leaves after being reprimanded. 871 IAC 24.25(21), (22) and (28). The evidence shows the claimant was frustrated when the weekend employee again did not leave her enough products for the claimant to make her morning pizzas and sandwiches. Since she had complained about this problem before, the claimant was upset after D. told her the weekend employee had also complained about her doing the same thing. The kitchen manager then told the claimant she could leave if she did not like the situation. The claimant was upset when she left work early. While the claimant may have had compelling personal reasons for quitting, the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of December 14, 2008, the claimant is not qualified to receive benefits.

DECISION:

The representative's January 6, 2009 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 14, 2008. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw