

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA S MILLER
Claimant

APPEAL NO. 12A-UI-13824-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PILOT TRAVEL CENTERS LLC
Employer

OC: 10/28/12
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 15, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on December 19, 2012. Claimant participated. Employer participated through general manager Gary Evans and restaurant general manager Jeremy Cromer.

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 was employed full-time as a deli manager from November 30, 2011 and was separated from employment on October 18, 2012. Evans asked her why a new employee's training and other things were not complete from the previous day's shift. She said she had too much to do. She went into his office a few minutes later and quit. He asked if she was sure that is what she wanted to do. Cromer asked her if she would stay and work for him. She declined. Evans did change inventory numbers that he found claimant had completed in error. He did not ask her to work off the clock and changed her hours only after consultation with her. All managers are expected to learn how to cashier and claimant was gradually training to do so. Evans provided job performance improvement plans for all employees after he became manager in July 2012. It was not considered disciplinary action.

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 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(21), (22), (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:

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

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). Claimant's leaving the employment after having been confronted about why a new employee's training was not complete and soon after a work performance improvement plan renders the separation without good cause attributable to the employer. Benefits are denied.

DECISION:

The November 15, 2012 (reference 01) 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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs