

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JULIE A MATHISON
405 MAPLE ST
MONDAMIN IA 51557

JEENS INC
MCDONALDS
2653 N BROAD ST
FREMONT NE 68025-2319

Appeal Number: 06A-UI-07926-DWT
OC: 07/02/06 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Julie A. Mathison (claimant) appealed a representative's July 26, 2006 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of McDonalds (employer) would not be charged because the claimant had voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 22, 2006. The claimant participated in the hearing. Alex Walker, the area supervisor, and Steve Leonard, the owner, appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. 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 employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in 2001. The claimant worked as a full-time store manager. Walker was the claimant's supervisor. The claimant knew the employer had an open door policy regarding any concerns she had.

The week of June 18, the claimant did not feel well and worked many hours because her store was short-handed. Although Leonard was in the store on June 21 or 22, the claimant did not talk to him about her health-related problems because representatives from the corporate office were with Leonard. If the claimant wanted to talk to Leonard, she could have told him and he would have contacted her later.

During this week, the claimant told Walker she was not feeling well, but he did not tell her to go home. Walker knew the claimant did not feel well, but assumed she felt well enough to work or would have told him otherwise. On June 24, the claimant went to work with a fever and was ill. She experienced stressful situations at work and was also dealing with personal situations. As a result of being ill, tired and stressed out, the claimant told Walker around 10:30 a.m. that she could not take working any longer and quit. (Employer Exhibit One.)

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 quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The claimant established compelling personal reasons for quitting – work-related stress and personal reasons. Even though the claimant did not feel well, she could have called in sick. The employer did not require her to work when she was ill, even though the claimant incorrectly assumed the employer would not cover her store. The claimant quit for reasons that do not qualify her to receive unemployment insurance benefits. As of July 2, 2006, the claimant is not qualified to receive unemployment insurance benefits..

DECISION:

The representative's July 26, 2006 decision (reference 02) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 2, 2006. 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.

dlw/kjw