

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KENYATHA D CAGE

Claimant

APPEAL 21A-UI-09167-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC

Employer

OC: 03/22/20

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On March 25, 2021, claimant, Kenyatha D. Cage, filed an appeal from the March 15, 2021, reference 02, unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit her employment with employer, Hy-Vee, Inc., without showing good cause for doing so. The parties were properly notified about the hearing held by telephone on June 2, 2021. The claimant participated personally. The employer participated through Barbara Buss as the employer's hearing representative, and HR Manager Connie Heidemann as the employer's witness.

ISSUE:

Did claimant quit her 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: The claimant was employed part-time as a clerk beginning on October 19, 2020, and was separated from employment on December 27, 2020, when she resigned.

Claimant initially worked from 9:00 a.m. to 3:00 p.m., until she requested a schedule change. In approximately November 2020, she began working from 4:00 a.m. to 9:00 a.m. Around the same time, claimant lost child care for her youngest child. Claimant is also a student, and at one point, her oldest son's school began remote learning due to issues related to the COVID-19 pandemic. Because of her changing schedules outside of work, claimant inquired with her supervisor, Kirk Campbell, about another change of schedule. He said he would "look into it," but never responded thereafter.

Claimant asserts she and Campbell had "prior issues" between them, and their relationship was strained. She provided no clarification regarding why their relationship was strained other than to say that he made "comments." On December 27, 2020, claimant was experiencing stomach upset, and approached Campbell about the issue. He told her to go home and added that he did not care whether she came back. In response, claimant told him that she did not plan to return to work. That night, claimant went to the hospital. She did not receive a specific

diagnosis, but was told to quarantine at home for 10 days thereafter. She did not inform anyone at the employer of this. Claimant was scheduled to work December 28, 29, and 30, 2020, but did not report or call in for those shifts. The employer considered claimant's separation a voluntary resignation. Claimant had not made any complaints or requests to anyone at the employer other than Campbell regarding her concerns surrounding scheduling and her relationship with Campbell.

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 provides, in relevant part:

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:

...

(17) The claimant left because of lack of child care.

...

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

...

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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). A voluntary leaving of employment requires an intention to terminate the employment

relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Claimant laid out a number of reasons for her separation from work. However, they amounted to personal family obligations, scheduling conflicts, and personality conflicts with her supervisor. While claimant's leaving may have been based upon good personal reasons, none of her reasons amount to a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The March 15, 2021, (reference 02) unemployment insurance decision is affirmed. The claimant voluntarily left her 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.



Alexis D. Rowe
Administrative Law Judge

June 16, 2021
Decision Dated and Mailed

ar/scn