

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA L BROCKERT
Claimant

APPEAL NO. 12A-UI-01237-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 12/25/11
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated January 25, 2012, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on February 28, 2012. The claimant participated personally. The employer participated by Ms. Shelli Singleton, Manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Christina Brockert was employed by Casey's Marketing Company from July 12, 2010 until October 1, 2011 when she left her employment. Ms. Brockert worked as a full-time clerk and was paid by the hour. Her immediate supervisor was Ms. Singleton.

It is the claimant's assertion that she left her employment due to domestic violence. Ms. Brockert left her employment without advance notice as she did not desire to draw any attention to her leaving, planning to move to a different geographic area because of her domestic situation locally. The claimant does not allege any direct nexus or connection between her employment with Casey's Marketing Company and her concerns about domestic violence.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant voluntarily left employment 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(2) 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:

(2) The claimant moved to a different locality.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. An individual who voluntarily leaves their employment must first give notice to the employer of their reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Claimants are not required to give notice of an intention to quit due to intolerable, detrimental or unsafe working environments if the employer had or should have had reasonable knowledge of the condition. Hy-Vee v. Employment Appeal Board, 710 N.W.2d (Iowa 2005).

In this matter the evidence in the record does not establish any direct nexus or any connection between Ms. Brockert's concern about domestic violence and her employment with Casey's Marketing Company. The record does not establish that the claimant had safety concerns that were brought to the attention of the employer or that the employer was aware of any potential threats concerning Ms. Brockert. Speculation of violence is not enough to justify quitting employment. Ames v. Employment Appeal Board, 49 N.W.2d 669 (Iowa 1989). The facts of this case are not sufficient to show a quit due to domestic violence in the workplace. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated January 25, 2012, reference 01, is affirmed. Benefits are withheld until claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit, and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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