

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

APRIL L BOATMAN
Claimant

APPEAL NO. 08A-UI-10805-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 10/12/08 R: 04
Claimant: Respondent (2/R)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Casey's Marketing Company (employer) appealed a representative's November 6, 2008 decision (reference 01) that concluded April L. Boatman (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 3, 2008. The claimant participated in the hearing. Kay Hagen, the store manger, appeared on the employer's 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?

FINDINGS OF FACT:

The claimant started working for the employer in February 2008. The claimant worked 20 to 36 hours a week as a cashier. Prior to Hagen becoming the manager on September 16, 2008, the claimant had not received any warnings from the previous managers. Before new management began working at the claimant's location, the claimant started becoming frustrated with her employment. The claimant did not appreciate the former manager asking her to get supplies. The claimant concluded management did not appreciate the fact the claimant had to file a police report about a customer harassing her.

When Hagen started as the store manager, the claimant was on military leave. After the claimant returned from military leave, she learned the new management had implemented some changes from the way she had performed her job as a cashier before. The claimant noticed employees received written warnings and some employees were discharged.

On October 3, the claimant and another employee received a written warning for an improper shift change that resulted in a \$38.00 shortage. The claimant did not believe the written warning was fair. The claimant feared the employer would discharge her. The claimant did not want the

employer to give her written warnings or discharge her that could jeopardize her military status. On October 8, the claimant gave the employer her resignation notice. Hagen called the claimant after learning she had submitted her resignation and asked her to reconsider. Hagen informed the claimant her job was not in jeopardy and asked the claimant to let Hagen know the next day if she would rescind her resignation. On October 9, the claimant informed Hagen she had not changed her mind and quit.

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 § 96.5-2-a. When a claimant quits, she has the burden to establish she quit her employment for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits without good cause when she leaves employment after receiving a reprimand. 871 IAC 24.25(28). The claimant established personal reasons for quitting. The facts establish the claimant quit after the employer gave her a written warning. The claimant then incorrectly presumed the employer would discharge her. The claimant still decided to quit even after the Hagen assured that her job was not in jeopardy. The claimant speculated that continued employment could jeopardize her military career. The claimant's fears are not supported by the facts. The claimant did not establish that she quit her employment for reasons that qualify her to receive benefits. Therefore, as of October 12, 2008, the claimant is not qualified to receive benefits. (Even though the claimant worked part-time, 871 IAC 24.27 does not apply because the claimant does not have enough wage credits from other employers to make her monetarily eligible if wages from the employer are not used.)

The issues of whether the claimant has been overpaid or is eligible for a waiver of any overpayment are remanded to the Claims Section to determine.

DECISION:

The representatives' November 6, 2008 decision (reference 01) is reversed. 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 October 12, 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. The issues of overpayment and waiver of overpayment are remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw