

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TEREA K GLASPIE
Claimant

APPEAL NO. 10A-UI-14406-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KWIK SHOP INC
Employer

OC: 09/12/10
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated October 7, 2010, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on December 8, 2010. Claimant participated personally. Participating as witnesses for the claimant were Mary Burlison, Terri Clark, and Tiffany Wright-McGovern. Although duly notified the employer did not respond to the hearing notice and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Claimant was employed by Kwik Shop Inc. for approximately one and one-half years before voluntarily quitting employment on September 13, 2010. Ms. Glaspie last held the position of full-time store manager and was paid by salary. Her immediate supervisor was Mr. Gaerimy Glass, District Adviser.

The claimant left her employment with Kwik Shop, Inc. on September 13, 2010 based upon what the claimant reasonably considered to be intolerable or detrimental working conditions. Due to a company mandate Ms. Glaspie and other managers had been required to insure double coverage for late night shifts. This often required Ms. Glaspie to fill in for other employees who did not report and required the claimant to work excessive hours without sufficient time for rest before being required to return for her regular work shifts. Ms. Glaspie had been written up by her district adviser for matters the claimant reasonably believed were not violations of company policy. Although the claimant had complained to upper company management about the treatment from her district adviser and what she reasonably considered to be unreasonable expectations, she received no assistance or accommodation from company management.

Ms. Glaspie left her employment on June 13, 2010 after she was being issued a written warning by the district adviser for duties that the claimant had properly completed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily left her employment with Kwik Shop, Inc. for 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.

An individual who voluntarily leaves employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991). Claimant is not required to give notice of intention to quit due to intolerable or detrimental working conditions if the employer had or should have had reasonable knowledge of the condition. Hy-Vee v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2000).

Inasmuch as the evidence in the record establishes that the claimant was required to work under intolerable and detrimental working conditions and did give the employer an opportunity to resolve her complaints before leaving, the administrative law judge concludes that the claimant left employment with good cause attributable to the employer. Benefits are allowed, providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated October 7, 2010, reference 01, is reversed. Claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs