

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

JENNIFER A BRIDGES
1740 VALLEY DR
DAVENPORT IA 52806

CASEYS MARKETING COMPANY
CASEYS GENERAL STORE
c/o TALX UCM SERVICES INC
3455 MILL RUN DR
HILLIARD OH 43026

Appeal Number: 04A-UI-09017-BT
OC: 08/01/04 R: 04
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:

Jennifer Bridges (claimant) appealed an unemployment insurance decision dated August 17, 2004, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Casey's General Stores (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 14, 2004. The claimant participated in the hearing. The employer participated through Beth McBride, Area Supervisor.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on April 15, 1998 and worked until approximately 1999. She quit after the store was robbed. She was rehired on January 29, 2002 and was working as a full-time assistant manager until July 30, 2004, when she again quit. The store at which she was working was robbed on September 29, 2003 and following that, the claimant had to seek counseling for stress related to the robbery. The claimant was concerned for her safety and requested additional lighting, cameras and a panic button. The employer placed two new lights in back of the store and an additional two lights in the front. A new security camera was installed in addition to the other two but the new camera was in color while the others were black and white. The claimant wanted a panic button behind the counter but there was already a panic button near the pay phone. In May 2004, a neighboring Casey's Store was robbed and there had been numerous other robberies in the local area. The claimant left her resignation notice on July 13, 2004, after being off work for approximately one week. At the same time, she left a conflict resolution form claiming that nothing has been done to make her feel safer. The employer responded by citing the steps the store had taken in response to the robberies. The claimant's last day was July 30, 2004, as indicated in her resignation notice.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

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.

The claimant voluntarily quit on July 30, 2004. She has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code Section 96.6-2. She quit her employment because she did not feel safe as a result of previous robberies in her store and others. The claimant had already quit her employment with this employer after previous robbery, but she willingly chose to go back into that precarious environment, fully knowing additional robberies were a possibility. Since the robbery, the employer had taken significant steps to increase security for its employees but it was not sufficient for the claimant. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). The claimant's separation is unique to her. An average person who had issues with personal safety would not have willingly returned to an environment in which robberies were not only a possibility, but maybe even a probability. The claimant's separation was without good cause attributable to the employer and benefits are denied.

DECISION:

The unemployment insurance decision dated August 17, 2004, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

sdb/b