

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARI K KRUMM

Claimant

APPEAL NO. 09A-UI-04113-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEYS MARKETING COMPANY

Employer

OC: 02/08/09

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 5, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on April 8, 2009. Claimant participated. Employer participated through Michelle Dunn.

ISSUE:

The issue is whether claimant quit the employment without good cause attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked full-time as a clerk/cook and was employed from July 29, 2007 until February 3, 2009 when she quit. On that date she became upset and left after manager Dunn told claimant and another kitchen employee that customers should not have to wait more than 20 minutes for two single topping pizzas after she heard claimant tell a customer the pizzas would be ready in 30 minutes. She also posted a note in the kitchen for all employees. Earlier Dunn told claimant she might have to use vacation time to complete her 35 to 40 hours required for full-time status after switching hours with someone else that would put her one-half hour shy of the required hours. Claimant did not tell Dunn that she had made arrangements to work an extra half hour to meet the requirement. Claimant received a raise in January 2008 when the minimum wage increased and was due for another in January 2009. Dunn completed the paperwork in December 2008 and the raise became effective sometime in January 2009 as scheduled.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

871 IAC 24.25(13), (22)and (28) provide:

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 § 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 § 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:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

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

(28) The claimant left after being reprimanded.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Claimant's decision to quit after Dunn told her to change the wait time she was telling customers and alerting her that she may have to use vacation to reach the minimum hours for full-time status, and her erroneous belief she did not have a raise in January 2009 were not good-cause reasons attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The March 5, 2009, reference 01, 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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css