

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SUSAN HEATER**  
Claimant

**APPEAL NO. 11A-UI-07942-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S GENERAL STORES**  
Employer

**OC: 01/23/11  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Susan Heater (claimant) appealed an unemployment insurance decision dated June 13, 2011, reference 04, 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 July 13, 2011. The claimant participated in the hearing. The employer participated through Michelle Singleton, manager. 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:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time employee in food prep from March 13, 2011 through May 16, 2011. She quit due to an alleged hostile work environment and medical problems due to the work she was performing. The claimant had a personality conflict with a male employee named Tony. The claimant could not find the bread, so she took out more and Tony wrote her a note in response that said, "If somebody would get off their butt and bend over and look behind something, they would be able to find the wheat bread." The claimant was highly offended at the "nasty note." The claimant gave it to the manager, who tore it up, threw it away, and said she would handle it. The manager testified that she tore up the note because only problems result from them and she added that any disciplinary action taken with regard to another employee is confidential.

The claimant said she dislocated her tailbone when she got stuck in the freezer. She said she told the assistant manager, who began discussing personal injuries. The claimant went to her own chiropractor and while she later mentioned something to the manager, she never indicated she had any ongoing problems. She also felt the work environment was hostile because she

had to do "double duties" and the extra work was causing her wrists and arms to hurt. The claimant said she could never get anywhere with the managers and did not know who to contact at human resources or how to reach the corporate offices. She also said she did not think she would get fair treatment at work if she complained. The manager said there was a form on the computers that employees are required to fill out if they sustain an injury at work and the claimant should have known about that.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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(21) 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 § 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:

(21) The claimant left because of dissatisfaction with the work environment.

The preponderance of the evidence confirms the claimant quit on May 16, 2011 for personal reasons. She contends she left due to a hostile work environment and as a result of medical injuries sustained through her work. The evidence does not establish there was a hostile work environment but it does reveal the claimant had difficulty working with one other employee. Furthermore, if the claimant left due to medical conditions resulting from her work, she failed to notify the employer so accommodations could be made. An individual who voluntarily leaves their employment due to an alleged work-related illness or injury must first give notice to the employer of the anticipated reasons for quitting in order to give the employer an opportunity to remedy the situation or offer an accommodation. *Suluki v. Employment Appeal Board*, 503 N.W.2d 402 (Iowa 1993).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated June 13, 2011, reference 04, 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.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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