

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICAH JACKS
Claimant

APPEAL 21A-UI-21405-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SALLY BEAUTY SUPPLY
Employer

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 13, 2020 (reference 01) unemployment insurance decision that denied benefits based on claimant having voluntarily quit employment. The parties were properly notified of the hearing. A telephone hearing was held on November 22, 2021. The claimant, Micah Jacks participated personally. The employer, Sally Beauty Supply did not participate.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a beauty advisor/sales associate. Her employment started in February 2019 and her last day worked was in August 2019, when claimant voluntarily quit due to a scheduling conflict with class. After which, claimant worked part time as an assistant teacher for Little Angels Learning Center starting in August 2019 through sometime in January 2020, where she quit voluntarily due to a scheduling conflict. Claimant then worked for Horn Extended Day Program from January 2020 through sometime in March 2020 when it was shut down to the COVID-19 pandemic.

REASONING AND CONCLUSIONS OF LAW:

As a preliminary matter, the administrative law judge finds that the claimant was not terminated for misconduct.

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit but not for good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

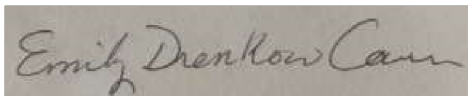
The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

It is the duty of the administrative law judge to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* When deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

Claimant acknowledged that she voluntarily quit employment with the employer due to a scheduling conflict, and immediately took other employment. Claimant failed to carry the burden of proof to prove good cause attributable to the employer. Claimant voluntarily quit without good cause attributable to the employer. As such benefits are denied.

DECISION:

The October 13, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.



Emily Drenkow Carr
Administrative Law Judge
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Fax (515)478-3528

January 3, 2022
Decision Dated and Mailed

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