

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RUTH A PAYAN
Claimant

THE IOWA CLINIC PC
Employer

APPEAL NO. 17A-UI-12493-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/05/17
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 27, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 29, 2017. Claimant participated. Employer participated by Julie Clark and Joanie Stuart. Claimant's Exhibits A-D and Employer's Exhibits 1-3 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 6, 2017. Claimant voluntarily quit on November 6, 2017 after receiving a corrective action statement from employer on October 20, 2017. On October 23, 2017, claimant submitted a resignation notice. Employer accepted the resignation, though on-going work was still available for claimant.

Claimant requested a performance review from employer for months, with no review taking place. On October 20, 2017, employer called claimant into the manager's office and gave her a written Notice of Corrective Action. Said notice mentioned specific actions that were not appropriate and highlighted a general negative attitude. Claimant stated that she felt she was being bullied by employer. She felt attacked by employer saying things about her that weren't true.

Claimant did not go to human resources to discuss her issues prior to her termination. Claimant was upset that employer chose to accept her resignation rather than trying to talk her out of resigning.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(28) 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 section 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 section 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:

(28) The claimant left after being reprimanded.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she received a reprimand. Said reprimand was not terminating claimant's employment, rather it was instructing claimant that she needed to improve in certain areas.

DECISION:

The decision of the representative dated November 27, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn