

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**THOMAS A BROWN**  
Claimant

**HD SUPPLY MANAGEMENT INC**  
Employer

**APPEAL 20A-UI-00536-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/08/19  
Claimant: Appellant (1)**

Iowa Code § 96.5-2-a – Discharge for Misconduct  
Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Thomas Brown (claimant) appealed a representative's January 13, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the HD Supply Management (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 5, 2020. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**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 in November of 2004, and at the end of his employment was working as a full-time manager. The employer placed the claimant on a three-month performance improvement plan (PIP) on October 23, 2019. The PIP was set to expire on January 23, 2020.

On November 13, 2019, the claimant had a telephone meeting with his district manager. The district manager indicated the claimant was not meeting the goals of the PIP. The claimant asked if the goals could be renegotiated. The district manager said they could not. The claimant asked what his options were. The district manager said the claimant could meet his goals, be let go when he did not meet his goals, or the claimant could quit work. No other work was available in the company on that day.

On November 15, 2019, the claimant sent the employer an email letter of resignation. He did not think he could meet his goals and assumed he would be terminated at some point in the future. The claimant's last day of work was November 22, 2019. He took two weeks of vacation and ended employment on December 6, 2019. Continued work was available for the claimant had he not quit work.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(33) 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.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by words and actions. When employees quit work because they are reprimanded or they believe their performance is not to the satisfaction of the employer and the employer has not requested them to leave, their leaving is without good cause attributable to the employer. The claimant left work because he received the PIP and he thought his performance would result in his termination even though the employer did not request him to leave. The claimant's leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's January 13, 2020, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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