

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERESA AMARO**  
Claimant

**APPEAL NO. 10A-UI-14798-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SYSTEMS UNLIMITED INC**  
Employer

**OC: 10-03-10**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 25, 2010, reference 03, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 12, 2011. The claimant participated in the hearing. Amy Kirkman, Staff Manager, and Mona Dowiat, Assistant Director of Support Services, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time vocational instructor for Systems Unlimited from September 1, 2009 to September 24, 2010. She submitted her resignation, effective September 24, 2010, following a meeting September 15, 2010, during which the employer questioned her regarding the suspension of her driver's license and whether she knew it was suspended when she transported clients. At the conclusion of the meeting, the employer notified her the issue would be presented to human resources for a determination of what, if any, disciplinary action would result. The claimant believed her employment was going to be terminated, so she prepared her resignation letter and submitted it to her supervisor, Staff Manager Amy Kirkman.

The claimant sometimes supplemented her 30-hour work week by working in the residential department and was on the schedule to do some residential work September 25, 2010. She testified she believed she was transferring to the residential department but did not indicate in her resignation letter that she was resigning to transfer to the residential department and never told Ms. Kirkman, who would have been required to initiate and complete a transfer form. Additionally, she did not ask Ms. Kirkman how any disciplinary action with regard to the driver's license situation would affect her new position within the company and did not speak to the residential services manager about that issue either. The employer accepted the claimant's resignation across the board, for all departments. The claimant went to human resources and asked if the employer had accepted her resignation for all positions and when the employer said "yes," the claimant said "okay" and left. She did not ask if she could rescind her resignation and had not been hired in the residential services department as a full-time employee. Consequently, her employment ended September 24, 2010. She was rehired December 21, 2010, as a counselor in the residential department.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant submitted her resignation letter September 15, 2010, effective September 24, 2010, because she believed her employment would be terminated following the meeting with the employer about the suspension of her license and the fact she had been driving clients without a valid driver's license. While she testified she had secured a position in the residential department, Ms. Kirkman was not aware she wanted to transfer and had not completed the required paperwork for a transfer. The claimant could not provide an explanation of why she did not tell Ms. Kirkman she was going to transfer or why she did not ask either Ms. Kirkman or the residential services supervisor how potential disciplinary action would affect her position, either as a vocational instructor or in the residential services department. The claimant quit because she felt she was going to be discharged. She did not make it clear in her letter, words, or actions that she did not intend to resign from the residential department and she had not been hired in that department anyway. Consequently, the administrative law judge concludes the claimant has not demonstrated that her leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

**DECISION:**

The October 25, 2010, reference 03, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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