

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLORIA HARE
Claimant

APPEAL NO. 09A-UI-00638-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

G2 SECURE STAFF LLC
Employer

OC: 07/06/08 R: 02
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

G2 Secure Staff, L.L.C. (employer) appealed a representative's January 9, 2009 decision (reference 03) that concluded Gloria Hare (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 29, 2009. The claimant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing and did not participate in the hearing. Anne Alvis appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on October 11, 2006. She worked full time as a wheelchair and baggage agent at the employer's Des Moines, Iowa, airport work location. Her last day of work was November 25, 2008.

During the last several months of the claimant's employment the employer had verbally counseled the claimant several times on several issues including her attendance, gossiping, and attention to her duties. On November 24, the employer had verbally counseled the claimant with regarding to sitting around and not running bags as was needed after she was done with transporting someone in a wheelchair. The employer subsequently determined that due to the number of verbal counselings, it was necessary to reduce the claimant's warnings to writing and give her a formal warning that further problems could lead to discharge. As a result, on November 26 when the claimant came into the employer's offices to clock in for work Ms. Alvis, the site manager, asked the claimant to join her in her office for a few minutes. The claimant did not agree to come into Ms. Alvis' office; rather she took her identification badge off and put it on the counter, saying she would just go ahead and quit, that she was tired of complaints being made on her every day. Ms. Alvis again attempted to persuade the claimant to come into her

office to talk, but the claimant just became more emotional and angry, starting to unbutton her uniform shirt so she could leave that. Ms. Alvis told the claimant to stop, that no one was asking her to take her uniform off, but that she could turn in the uniform later. The claimant then left and did turn in her uniform at a later date.

The claimant established a claim for unemployment insurance benefits effective July 6, 2008. She filed an additional claim effective November 30, 2008. The claimant has received no unemployment insurance benefits since the separation from employment.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because reprimands have been given or another representative is about to be given is not good cause. 871 IAC 24.25(28). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's January 9, 2009 decision (reference 03) is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. As of November 26, 2008, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css