

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JO A STANLEY**  
Claimant

**APPEAL NO. 09A-UI-17436-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA HOSPITAL CORP**  
Employer

**Original Claim: 10/25/09  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(21) – Compelled to Resign

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated November 17, 2009, reference 01, that held she voluntarily quit without good cause attributable to her employer on October 27, 2009, and that denied benefits. A telephone hearing was held on December 29, 2009. The claimant participated. The employer did not participate. Claimant Exhibits A through D was received as evidence.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time floating secretary from September 15, 2004 to October 27, 2009. The employer disciplined the claimant in September and early October 2009 for job performance issues. Employer representatives had a conference with the claimant on October 15 and gave her the option to resign or be fired. The claimant accepted the resignation option and she refused to sign the employer termination form, as she desired continuing employment but did not want to be fired.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.26(21) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(21) The claimant was compelled to resign when given the choice of resigning or being discharged. This shall not be considered a voluntary leaving.

The administrative law judge concludes the claimant voluntarily quit with good cause attributable to her employer when she was compelled to resign or be fired effective October 27, 2009.

The claimant was forced to resign, which is an involuntary separation from employment, and is not job-disqualifying.

**DECISION:**

The department decision dated November 17, 2009, reference 01, is reversed. The claimant voluntarily quit with good cause due to a forced resignation on October 27, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw