

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**KATIE KENNEDY  
1801 – 5<sup>TH</sup> AVE  
COUNCIL BLUFFS IA 51501**

**VISITING NURSE ASSOCIATION  
300 W BROADWAY #10  
COUNCIL BLUFFS IA 51503-9030**

**Appeal Number: 04A-UI-10956-CT  
OC: 09/19/04 R: 01  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Katie Kennedy filed an appeal from a representative's decision dated October 5, 2004, reference 01, which denied benefits based on her separation from Visiting Nurse Association. After due notice was issued, a hearing was held by telephone on November 2, 2004. Ms. Kennedy participated personally. The employer participated by Lillian Jeppesen, Executive Director; Lani Kephart, Controller; and Dawn Mayer, Home Care Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Kennedy was employed by Visiting Nurse Association

from August 4, 2003 until September 17, 2004 as a full-time billing clerk. On September 17, she was meeting with her supervisor to address certain deficiencies in her job performance. Before the meeting was over, Ms. Kennedy announced that she was quitting. Continued work would have been available if she had not quit.

Ms. Kennedy never spoke with anyone in management to address concerns or problems she had with the treatment she received from her supervisor, Lani Kephart. Although she had gone to the executive director to discuss other issues, she never addressed problems she was having with Ms. Kephart. Ms. Kennedy felt Ms. Kephart was fabricating the issues they were discussing on September 17 and, therefore, quit.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Kennedy was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Kennedy had the burden of proving that her quit was for good cause attributable to the employer. Iowa Code section 96.6(2). An individual who leaves employment after being reprimanded is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(28).

It was Ms. Kennedy's contention that the reprimand was unwarranted as Ms. Kephart was fabricating issues and problems that did not exist. However, she had other recourse other than quitting. She could have gone to the executive director to complain that she was being disciplined for problems that either did not exist or were not attributable to her. By simply quitting, Ms. Kennedy deprived the employer of the opportunity to address and possibly correct the problem that was causing her to quit. Ms. Kennedy contended that she had been having problems with Ms. Kephart's treatment of her for several months. However, she made no effort to bring the problems to the attention of any individual who had the authority to make changes. In short, Ms. Kennedy did not give the employer a reasonable opportunity to salvage the employment relationship before quitting as required by Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

For the reasons cited herein, the administrative law judge concludes that Ms. Kennedy has failed to satisfy her burden of proving that she had good cause attributable to the employer for quitting. Accordingly, benefits are denied.

#### DECISION:

The representative's decision dated October 5, 2004, reference 01, is hereby affirmed. Ms. Kennedy voluntarily quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/tjc