

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIE R SPANGLER**

Claimant

**IOWA SPECIALTY HOSPITAL CLARION**

Employer

**APPEAL NO: 13A-UI-09540-ST**

**ADMINISTRATIVE LAW JUDGE  
AMENDED DECISION**

**OC: 08/07/13**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(37) – Resignation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated August 7, 2013, reference 01, that held she voluntarily quit without good cause attributable to her employer on July 18, 2013, and benefits are denied. A telephone hearing was held on September 24, 2013. The claimant, and former nurse employee, Cindy Christensen, participated. Holly Martin, HR Director, and Jodi Azeltine, D.O.N., participated for the employer. Claimant Exhibit A and Employer Exhibits 1 – 19 were 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 began work for the employer on September 9, 1984, and last worked for the employer as a full-time nurse on July 18, 2013. The employer disciplined claimant on June 19, 2013. It disciplined claimant on July 9, 2013 with a three-day suspension for a narcotic protocol dispensing issue. The employer discipline requests a plan of action.

When claimant returned to employment after her suspension on July 18, the employer understood her plan of action was it wouldn't happen again. The employer requested claimant present a more specific plan and it provided topic information. Claimant responded with an e-mail at the end of her work day she was resigning. The employer accepted her resignation.

**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 24.25(37) 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:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to resignation in response to employer discipline effective July 18, 2013.

It was apparent claimant believed the employer discipline suspension and plan of action request(s) was intimidation rather than for the purpose stated. The employer did not ask claimant to resign nor did it discharge her. Claimant's response to submit her resignation when asked about proving a more specific plan of action was not unreasonable. Claimant was suspended on July 9 and she had more than one week to consider and contemplate what she would submit.

**DECISION:**

The department decision dated August 7, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause due to her resignation on July 18, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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