

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOANN F TEEGARDEN

Claimant

ST LUKES METHODIST HOSPITAL

Employer

APPEAL NO: 10A-UI-05409-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/07/10

Claimant: Appellant (2)

Section 96.5-1– Voluntary Quit
871 IAC 24.26(21) – Quit or be Fired

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 30, 2010, reference 01, that held she voluntarily quit without good cause on March 5, 2010, and benefits are denied. A telephone hearing was held on May 27, 2010. The claimant participated. The employer elected not to participate in the hearing. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the claimant, and having considered the evidence in the record, finds: The claimant worked for the employer beginning September 1, 1994, and last worked as a full-time volunteer coordinator on February 22, 2010. The employer gave the claimant the choice to quit or be fired, and she elected to quit on February 22nd. The employer paid the claimant thru March 5, 2010.

An employer representative notified the department it would not participate in the hearing, and it was not contesting the claimant's claim for unemployment benefits.

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 that the claimant's election to quit rather than be fired is not a voluntary leaving of employment effective March 5, 2010. The separation from employment is considered a voluntary quit with good cause attributable to the employer.

DECISION:

The department decision dated March 30, 2010, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to the employer effective March 5, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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