

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN K STOEFFEN

Claimant

CARLETON LIFE SUPPORT SYSTEMS INC

Employer

APPEAL NO: 12A-UI-02157-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/15/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(37) – Resignation
871 IAC 24.25(22) – Supervisor Conflict
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 21, 2012, reference 01, that held she voluntarily quit without good cause attributable to her employer on January 2, 2012, and benefits are denied. A telephone hearing was held on March 20, 2012. The claimant participated. The employer submitted a written statement for participation. Official notice was taken of claimant's appeal documents.

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 witness, and having considered the evidence in the record, finds: The claimant began work for the employer as a full-time finance manager at a salary of \$70,000 a year and last worked the same position at \$80,000 a year on January 2, 2012. The claimant had worked other job positions during the period of her employment but there had been adjustments due to special assignments and extended claimant FMLA.

Claimant resigned her job without advance notice to the employer in an e-mail communication on January 2, 2012. Claimant offered no reason for her resignation that was accepted by the employer.

During the last year of employment, claimant was upset that her employer hired what she believes was a lesser qualified person as controller without posting the position. Claimant knows of no employer policy that requires posting of a job though it is a practice to do so. Afterwards, the employer posted the finance manager position and claimant was promoted to it on May 18, 2011 from being a cost estimator. Claimant is 53 years-old and she believes the employer showed age discrimination in hiring a younger person for controller.

Claimant had a health issue that caused her to be off work in 2010 along with staying home for three weeks due to her husband's hip replacement. The claimant had no further health issue from January 2011 through her final year of employment.

The controller placed claimant on a performance improvement plan (PIP) due to certain work issues on December 13, 2011. This is considered a disciplinary action and it placed performance improvement dates for certain issues at 30 and 90 days. The claimant was concerned that she might lose her job and she submitted her resignation on January 2.

The employer submitted a statement referencing the resignation with a copy of the e-mail in lieu of personal participation in this hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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(22), (28), (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 § 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 § 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:

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

(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 her employer due to her resignation effective January 2, 2012.

Although claimant resigned without notice and reason to the employer, all of the reasons she offered for quitting in this hearing was considered to determine whether any one was with good cause attributable to the employer.

The claimant ended employment with the same job position she started, and she was making \$10,000 more a year than when she began. She was 53 that is far below the legal standard for considering age discrimination absent an exceptional circumstance that is not present in this case. She quit her \$80,000 a year job choosing unemployment. Although she had recently been put on a PIP, she had not reached the first work improvement deadline (January 12) at the time she quit.

What is apparent is the claimant was upset with the employer for having hired someone she considered less qualified to be controller who then supervised her employment. There is no legally recognized based discrimination for this hire (race, color, nationality, sex, age etc.). All of the reasons offered by claimant have been considered and none constitute a good cause attributable to the employer.

DECISION:

The department decision dated February 21, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause due to her resignation on January 2, 2012. 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.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs