

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONALD L JACOBSON**  
Claimant

**APPEAL NO: 10A-UI-07206-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HCM INC**  
Employer

**OC: 04/04/10**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Donald L. Jacobson (claimant) appealed a representative's May 13, 2010 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from HCM, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 6, 2010. The claimant participated in the hearing. Jeff Wollum appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on October 30, 2009. Since about November 15, 2009 he worked full time as the business office manager in the employer's Cedar Falls, Iowa nursing home. His last day of work was January 13, 2010.

On January 8 he turned in a two-week notice of resignation. He was willing to stay through that period, which would have ended on January 22, but he was told he need not, and it was agreed his last day would be January 13. His reason for quitting was a determination on his part that the position was not a good fit for him, that he was unable to adequately grasp his job duties and understand and satisfy necessary time frames.

He had received some counselings on his performance, but what immediately triggered his decision to resign was an email he received on January 7 from the financial consultant who whom the claimant was at least partially responsible. That note passed on information to both the claimant and Mr. Wollum, the facility's administrator, regarding the claimant's failure to ensure that the facilities had not been making daily deposit reports, and indicated that "this needs to get corrected today! Add it to your stand-up meeting agenda – there is no excuse for this behavior. Don, it is time for you to make a decision if you are going to be part of the Cedar [F]alls team and step up to the plate and become the BOM."

The employer had not made any decision at that time to discharge the claimant, and continued work was available to him had he not resigned. The claimant determined he would be unable to satisfy the employer's job expectations of him, suspected the employer was already considering replacing him, and decided to resign rather than face possible eventual discharge.

#### **REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (22). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). Quitting because of a belief that his job performance was not satisfactory to the employer, where the employer had not requested the claimant to leave and continued work was otherwise available to the claimant, is not good cause for quitting. 871 IAC 24.25(33). While the claimant's work situation was perhaps not ideal, he has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied his burden. Benefits are denied.

#### **DECISION:**

The representative's May 13, 2010 decision (reference 02) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of January 13, 2010,

benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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