

**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**

**STEPHANIE L WHEATLEY
1638 GREENS WAY CT
CEDAR RAPIDS IA 52402-1132**

**ADTRACK CORP
6060 HUNTINGTON CT NE
CEDAR RAPIDS IA 52402-1268**

**Appeal Number: 06A-UI-07263-DWT
OC: 06/11/06 R: 03
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Stephanie L. Wheatley (claimant) appealed a representative's July 13, 2006 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Adtrack Corporation (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 3, 2006. The claimant participated in the hearing. Eric Madsen and Tracy Hamilton 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 her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharged her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in November 2005. The employer hired the claimant to work as a full-time account manager. The claimant was in training for this job until April 2006.

After the claimant started working on her own, Madsen noticed some work performance problems. On May 15, 2006, the employer gave the claimant a written warning telling her what problems the employer noticed with her work performance and what she needed to improve. As a result of the May 15 warning, the claimant started to report to work on time. Madsen then started reviewing all her written correspondence before the claimant sent the correspondence to a customer.

During a weekly meeting on May 19, the employer again talked to the claimant about the fact she was not meeting the employer's expectations. On May 22, the employer asked the claimant to rewrite a letter to a customer. Although the claimant considered Madsen's comments trivial and believed her first letter was satisfactory, she rewrote the letter. After Madsen reviewed the second letter, he informed the claimant that the second letter had improved a great deal.

When there were continuing problems with the claimant's performance, on May 25, the employer gave the claimant a work performance plan. The plan explained what areas the claimant needed to improve upon. The claimant concluded Madsen's criticisms about her work performance were unfair and unfounded. The claimant believed Madsen unfairly targeted her.

In early June, the claimant and Madsen talked about the claimant's job skills and that maybe she did not have the necessary skills to meet the employer's expectations. While Madsen had concerns about the claimant's ability to do her job satisfactorily, he indicated he would support and help her achieve her performance expectations if she wanted to put forth the effort. During a June 6 or 7 conversation, the claimant indicated she did not have the job skills the employer wanted and would pursue a real estate career. After the claimant indicated she needed some time off to attend some training, the claimant and Madsen verbally agreed the claimant could take time off to attend the real estate classes and June 20 would be her last day of work. A short time later, Madsen informed the claimant the employer also needed her written resignation letter.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a.

The law presumes a claimant voluntarily quits employment when she leaves after she has been reprimanded 871 IAC 24.25(28). Although the claimant believed the employer was overly

critical of her work, the employer addressed performance issues with the claimant within a month of when she started working by herself. The claimant did not like how closely Madsen monitored her work. When performance problems continued, both Madsen and the claimant questioned whether the claimant had the necessary job skills for the job. Although the employer warned the claimant that she could be discharged if she did not improve her work performance, Madsen also informed the claimant that he would work with her and support her if she wanted to improve.

The claimant initiated her employment separation when she told the employer she decided she would pursue a career in real estate. Although the claimant felt as if the employer was overly critical of her work, the employer did not ask the claimant to resign. The employer only warned her that if she did not improve, her job was in jeopardy. The employer did not initiate the claimant's employment separation or force the claimant to submit her resignation on June 7. The claimant voluntarily decided to resign because the employer warned her that her job was in jeopardy because of her poor job performance. While the claimant established compelling personal reasons for resigning, she quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. As of June 11, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's July 13, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 11, 2006. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/cs