

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**FELICIA WILSON**

Claimant

**APPEAL NO: 15R-UI-01975-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ESA MANAGEMENT LLC**

Employer

**OC: 11/16/14**

**Claimant: Appellant (1/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 9, 2014 (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit for reasons that did not qualify her to receive benefits. A hearing was initially held on January 7, 2015. The claimant participated at this hearing. The employer did not respond to the hearing notice or participate at the January 7 hearing. Based on the evidence presented at the January 7 hearing, an administrative law judge concluded the claimant was qualified to receive benefits. See decision for Appeal No. 14A-UI-12662.

The employer appealed the decision for Appeal No. 14A-UI-12662 to the Employment Appeal Board. The Employment Appeal Board remanded this matter to the Appeals Bureau for a new hearing because the employer had not received the hearing notice.

After hearing notices were again mailed to the parties, a hearing was held on March 17, 2015. The claimant did not participate at this hearing. Jackie Boudreaux and Suzy Charboneau, the general manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct, or did the claimant voluntarily quit for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on March 21, 2014. The employer hired the claimant to work as a full time housekeeper. On November 14, 2014, the employer gave the claimant a Performance Improvement Plan because of on-going attendance issues. The employer asked if the claimant wanted to work part time instead of full time because of her attendance issues. A few hours later, the claimant informed the employer she quit and walked off the job early. The claimant did not return to work.

The claimant established a claim for benefits during the week of November 16, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. Even though the employer had some concerns about her attendance, the employer did not discharge the claimant in mid-November 2014. After the employer gave the claimant a performance improvement plan, she quit. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she leaves employment after receiving a reprimand. 871 IAC 24.25(28). The claimant may have had good personal reasons for quitting, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of November 16, 2014, the claimant is not qualified to receive benefits.

The issue of whether the claimant has been overpaid benefits will be remanded to the Benefits Bureau to determine.

**DECISION:**

The representative's December 9, 2014 (reference 02) determination is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. As of November 16, 2014 the claimant is disqualified from receiving unemployment insurance benefits. 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.

The issue of overpayment of benefits is **remanded** to the Benefits Bureau to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/can