

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLEY JEDERBERG
Claimant

APPEAL NO: 07A-UI-10476-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CATHOLIC CONFERENCE
Employer

**OC: 10/21/07 R: 01
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Shelley Jederberg (claimant) appealed an unemployment insurance decision dated November 9, 2007, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Iowa Catholic Conference (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 28, 2007. The claimant participated in the hearing along with DeAnne Atsma, President of the Parish Council. The employer participated through Father Richard Ball and Paul Jahnke. Claimant's Exhibits A, B and C were admitted into evidence. 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:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time head cook for Spalding Catholic Junior High and High School from November 18, 2004 through October 19, 2007. The school is affiliated with St. Joseph's Catholic Church and Father Richard Ball was the claimant's supervisor. There is an eight to ten member parish council who works with Father Ball in school administration. In October 2006, there were parent complaints to the parish council that their kids were not getting enough food to eat. A meeting was held with Father Ball and the kitchen staff during which solutions were discussed to appropriately address the parents' concerns. Father Ball ensured the kitchen staff that the parish council was behind them 100 percent. The claimant was directed to make sure the meals served were in compliance with federal guidelines and she followed through with this. She filled out production reports each day and provided those reports to Father Ball and the parish council. The employer directed the claimant to feed the kids an extra serving and a half every day, which she did. The employer then requested the claimant do a cost breakdown and she completed that for October,

November, and December 2006. The employer decided in January 2007 that they would stop serving the extra portions but would sell extra portions to anyone who wanted them. The claimant took the time to complete her menus in advance to accommodate the new program and it seemed to alleviate the problems. Approximately 30 to 40 kids started the program but there were only four or five wanting extra portions by the end of the year.

The claimant did not prepare the advanced menu in August 2007 but started it up again in September 2007 and only three or four kids signed up for the extra portions. There were parent concerns again about the hot lunch program so the Parish council met with some parents to discuss it. After that meeting, the Council met on October 18, 2007 and Parish Council President DeAnne Atsma testified in today's hearing that the topic of firing the claimant was immediately brought up to be discussed. Not all council members agreed but when it was further discussed that she would receive benefits if she were fired, the discussion moved on to how they could get her to quit. The following day, Father Ball met with the claimant and three other kitchen employees to discuss the concerns. One of the employees asked Father Ball if they still had the support of the parish council and he first asked if they wanted to hear the truth. When they assured him they did, he made it clear to the claimant that she did not have the support of the council and they wanted her to go. The claimant asked Father Ball if he wanted her to resign and he said he would not ask for her resignation. She then asked if the parish council wanted her to resign and Father Ball answered affirmatively. The claimant felt she had no other option than to resign, which she did. She did not want to leave her employment but felt she would be terminated if she did not voluntarily resign her position. She did state to Father Ball that she was the only employee who was not a member of the Church and she wondered if that had anything to do with the employer's position. After resigning, the claimant went back to the kitchen and finished the rest of her shift before leaving.

Father Ball testified at the hearing that the staff and students thought the claimant had a bad attitude and that was why the parish council no longer wanted her there. However, no formal warnings were ever issued to her for this issue and the claimant appeared unaware of the alleged negative perception. In fact, the claimant pointed out that on her 2006 evaluation, Father Ball indicated that she meets the standards of cooperation and personal qualities. On the employer's evaluation, cooperation includes the employee's willingness to work with supervisors and associates to reach a common goal and the personal qualities include the personality and character necessary to work on the assigned job. Meeting the standard was the highest rating allowed. In her May 31, 2007 evaluation, Father Ball again rated the claimant as meeting the standards of each requirement and personally wrote on her evaluation that she cooperates well with him and the staff.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1.

The claimant quit by providing the employer with a verbal resignation on October 19, 2007. She quit because she believed she did not have any other choice since she would be terminated if she did not quit. The employer contends Father Ball had all the power and the parish council merely serves in an advisory capacity. The suggestion is that since Father Ball did not ask for her resignation, it was not an issue but the evidence shows otherwise. The parish council plays a significant part in this Catholic School. Ms. Atsma's testimony confirmed that fact and her

testimony was the most reliable as she had nothing to gain by testifying. Any reasonable person would not want to work where he or she was clearly not wanted.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code section 96.6-2. She has satisfied that burden and benefits are allowed.

DECISION:

The unemployment insurance decision dated November 9, 2007, reference 01, is reversed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs