

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LU-ANN D BUFFKINS

Claimant

APPEAL 15A-UI-04773-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

G4S SECURE SOLUTIONS (USA) INC

Employer

OC: 03/15/15

Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge/Misconduct

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 9, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 28, 2015. Claimant participated. Employer participated through (representative) John Dohe, Human Resources Manager and Chris Harris, Area Supervisor. Claimant's Exhibit A was entered and received into the record. Employer's Exhibit One was entered and received into the record.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer or was she discharged due to job connected misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a custom protection officer beginning on April 29, 2014 through February 26, 2015 when she voluntarily quit. The claimant last worked on January 18, 2015.

The employer provides security guards for clients at various locations. The claimant was first assigned to work at the Google location. The customer asked her to be removed from the Google location. The claimant was removed from the Google location and returned to the employer's office location and spoke to Mr. Dohe. She was then assigned to work for a new client, Whiting-Turner who was the construction company building the Google facility. The claimant knew that she was not guaranteed any specific assignment and that if one client wanted her to be removed from a location she would be assigned to work for a different client.

On January 17 the claimant reported to work at her normal time. She got into a verbal altercation with another coworker in the guard shack. The incident was witnessed by numerous coworkers who wrote up statements about what they saw occur. The incident was also witnessed by one of the employees of the client Whiting-Turner who then asked that the claimant be removed from the site. The claimant could have been placed at another client

location and could have continued to work. Instead the claimant chose to believe she was discharged, even though Mr. Dohe attempted to get her to come to his office to discuss new assignments. The e-mail the claimant received simply told her the client wanted her removed from the site, not that her employment was ended. The claimant never followed up with Mr. Dohe to see if another assignment was available for her. In the past the claimant had reached out and made contact with Mr. Dohe on numerous occasions. The claimant knew how to reach him. The claimant made it clear at the hearing that she did not believe she had voluntarily quit her employment, despite the work conditions she described.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not discharged but voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998). Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer.

The claimant had demonstrated the ability in the past to be removed from one location and seek additional work assignments. She did not do so when removed from the Whiting-Turner location. The claimant was only removed from her last work location at the client's request. Mr. Dohe tried to get the claimant to come in and talk to him so he could give her an additional work assignment. Since claimant did not follow up with management personnel and her assumption of having been fired was erroneous, claimant's failure to continue reporting to work was an abandonment of her job. Benefits are denied.

DECISION:

The April 9, 2015 (reference 01) decision is affirmed. The claimant voluntarily left employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs