

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MELINDA A JOYE
Claimant

HY-VEE INC
Employer

APPEAL NO. 17A-UI-02530-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/29/17
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 20, 2017, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 30, 2017. Claimant participated. Employer participated by Meg Lorenz, Abby Leepsch, Trish McEldeery, Scott Copeland. Employer's Exhibit 1 and Claimant's Exhibits A through B were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on August 17, 2016. Claimant signed a document voluntarily quitting her job on August 18, 2016. Claimant signed this document after hours of mediation. Claimant stated that she had consulted with her attorney prior to her signing this document.

Claimant was injured at work in March, 2015. She continued working until August of 2016. Claimant stated that her employer did make some accommodations to allow for claimant's medical needs after her injury. Claimant did state that employer did not want claimant to schedule her doctors' visits and physical therapy during work hours.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship by signing a voluntary resignation agreement. As claimant was represented by counsel at the time she signed the agreement, she is presumed to be made aware of the legal implications of the separation. The administrative law judge will not act to overturn the agreement, and its effects on claimant's unemployment claim, in the absence of strong evidence to the contrary. Such evidence was not provided to the court.

DECISION:

The decision of the representative dated February 20, 2017, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs