

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

KAREN K GERONZIN  
2919½ HWY 67  
CAMANCHE IA 52730

ADM TRUCKING INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166 0283

Appeal Number: 05A-UI-02100-DWT  
OC: 01/30/05 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Karen K. Geronzin (claimant) appealed a representative's February 25, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of ADM Trucking, Inc. (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 March 15, 2005. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's representative/witness could be contacted to participate in the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, 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 discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on December 13, 2004. The employer hired the claimant to work as a full-time lab technician.

During the first week of the claimant's employment, she expressed doubts that she was capable of doing the work. The employer continued to train the claimant. In mid-January, the claimant expressed confidence that she was capable of performing her job duties. The employer noted that on January 16, the claimant asked the lead technician to help her complete her job duties.

On January 25, 2005, the employer informed the claimant that the employer had concerns she was not capable of meeting the employer's standards. The employer then informed the claimant that if she did not in the immediate future show substantial improvement, the employer would have to discharge her. The claimant was upset when the employer gave her this evaluation on January 25. The claimant thought she was progressing satisfactorily.

After thinking about what she needed to do to meet the employer's standards, the claimant decided the employer would be discharging her in just a few weeks. Since the claimant concluded it was only a matter of time before the employer discharged her, on January 28, 2005, the claimant informed the employer she was quitting effective immediately.

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. Iowa Code § 96.5-2-a. The claimant voluntarily quit her employment on January 28, 2005. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant has voluntarily quit without good cause when the claimant quits because she feels her job performance does not meet the employer's standards but the employer has not asked her to leave and continuing work is available. 871 IAC 24.25(33). The facts establish the claimant did not meet the employer's standards as of January 25. The employer, however, did not ask the claimant to leave and continuing work was available for the claimant to do. The employer did not discharge the claimant on January 25. Instead, the employer gave the claimant an opportunity to show the employer she was capable of doing her work duties satisfactorily. The claimant chose to quit for compelling personal reasons. The claimant, however, quit for reasons that do not qualify her to receive unemployment insurance benefits. As of January 30, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's February 25, 2005 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 30, 2005. 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/kjf