

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CATHERINE DAMGAARD**  
Claimant

**APPEAL NO. 11A-UI-14201-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMERICAN NATIONAL BANK**  
Employer

**OC: 10/02/11**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Catherine Damgaard, filed an appeal from a decision dated October 19, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on November 29, 2011. The claimant participated on her own behalf. The employer, American National Bank (ANB), participated by Human Resources Director Jeanette Eilers, Vice President Allen LaFollette and was represented by TALX in the person of Tom Kuiper.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Catherine Damgaard was employed by ANB from November 11, 1996 until February 14, 2011 as a full-time mortgage loan originator. In January 2011 Vice President Allen LaFollette met with the claimant about concerns with her performance. There had been repeated complaints from customers which had been “escalated” to the supervisory level. She was showing a lack of knowledge of the regulations regarding documentation for loan origination.

Options were discussed with her at that meeting that she could stay with the mortgage origination team under a performance improvement plan (PIP), transfer out to another department or sign a separation agreement. She declined all of the above and the employer prepared the PIP while Ms. Damgaard consulted with an attorney.

The employer and the claimant’s representative negotiated the matter for a period of time until a separation agreement was reached of which Ms. Damgaard’s attorney approved and recommended she sign. She signed the agreement on February 14, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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 claimant quit after a negotiated agreement with the employer. Continuing work was available to her had she elected to stay and no one on behalf of ANB told her she was going to be discharged if she did not sign the agreement. The record establishes the claimant quit without good cause attributable to the employer and she is disqualified.

**DECISION:**

The representative's decision of October 19, 2011, reference 01, is affirmed. Catherin Damgaard is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css