

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA BARBER
Claimant

APPEAL NO: 13A-UCFE-00020-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

OC: 04/07/13
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Melissa Barber (claimant) appealed an unemployment insurance decision dated May 6, 2013, reference 02, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with the US Postal Service (employer) without good cause attributable to the employer. This decision amended the decision dated April 29, 2013, reference 01, which allowed benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 17, 2013. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which she could be contacted, and therefore, did not participate. The employer participated through Luanne Butterfield, Rory Sullivan, Rick Smith and Sarah Weller.

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 postal supplemental employee from March 24, 2012 through March 18, 2013 when she was separated for five days. All supplemental employees are given a five-day separation after 360 days. Supplemental employees are only guaranteed four hours per pay period but can work as many as 40 hours. They do not have set hours, days or jobs and can be moved to any shift for any length of time since the employer uses these employees to fill in for permanent employees.

The claimant was rehired in the same capacity on March 25, 2013. During her first week back, she worked 40 plus hours and she worked 38 hours in her second week. The claimant went home on April 5, 2013 stating her kidney hurt. She submitted medical documentation on March 9, 2013 for a non-work-related medical restriction limiting her to lifting no more than 15 pounds. The claimant failed to follow proper policy with her medical restriction but the Postmaster forwarded the information.

Luanne Butterfield called the claimant on March 10, 2013 and left a message for her that there was no work available within that work restriction. Ms. Butterfield requested she return the call and the claimant called her later that day. The claimant said she would call the employer when the restriction was lifted.

The plant manager requested Ms. Butterfield contact the claimant on March 12, 2013 as a position became open. It was still a supplemental position but was for full-time hours on the night shift. The claimant subsequently indicated that if she came to work, it would "mess up" her unemployment. She submitted a resignation letter dated April 16, 2013 which stated that she was resigning because of stress that was put on her.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by submitting her written resignation on April 16, 2013. There was no evidence of a hostile work environment as alleged in the claimant's appeal letter.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She failed to participate in the hearing and has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated May 6, 2013, reference 02, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css