

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LESLI L PEPPLES

Claimant

APPEAL NO: 11A-UI-07300-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMES COMMUNITY BANK

Employer

OC: 05/01/11

Claimant: Appellant (2)

Section 96.5-1– Voluntary Quit
871 IAC 24.26(21) – Quit or be Fired

STATEMENT OF THE CASE:

The claimant appealed a department decision dated May 23, 2011, reference 01, that held she was discharged for violation of a known company rule on April 28, 2011, and benefits are denied. A telephone hearing was held on June 27, 2011. The claimant participated. Sara Bryan, HR Representative, and Aleasa Miller, VP/Retail Manager, participated for the employer. Employer Exhibit 1 thru 15b was received as evidence.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the claimant, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time bank teller from May 6, 2010 to April 28, 2011. The employer concluded claimant violated the personal use of business e-mail policy and posting workplace photos on social networking, so it called claimant into a meeting on April 28, 2011. Claimant was given the option to resign or be terminated. She agreed to resign and signed a document for the employer believing this act would look better for prospective employment. The employer later mailed claimant a document that had been prepared the same day that she was terminated from employment.

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.

871 IAC 24.26(21) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(21) The claimant was compelled to resign when given the choice of resigning or being discharged. This shall not be considered a voluntary leaving.

The administrative law judge concludes that the claimant voluntarily quit with good cause attributable to the employer on April 28, 2011. A challenge to an employee to quit or be fired is not considered a voluntarily leaving that constitutes a good cause for quitting.

The employer withheld the employment termination document, because claimant elected to resign. The employment separation is involuntary that constitutes a good cause for quitting regardless of the employer motive for offering claimant the choice.

DECISION:

The department decision dated May 23, 2011, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to the employer on April 28, 2011. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs