

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BARBARA A MCCURDY
Claimant

NORDSTROM INC
Employer

APPEAL 15A-UI-08407-JP-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/05/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 20, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 18, 2015. Claimant participated. Employer participated through Representative, Thomas Kuiper, Human Resources Assistant, Jill McDowell, and Department Manager for Returns, Inspections Leanne Collins.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a returns inspection processor from May 14, 1997, and was separated from employment on July 3, 2015, when she quit.

On July 3, 2015, claimant called Ms. Collins and told her she was quitting, effective immediately. Ms. Collins thought that claimant sounded unsure, so Ms. Collins told her she would wait until her shift started to see if claimant showed up. Claimant did not show up for her scheduled shift. Ms. Collins then accepted her resignation. Claimant quit because she was stressed at work. Claimant was stressed about her quality being down and meeting her PEP requirements. Claimant also thought she was going to be discharged, but not for three more months.

Every employee has to meet quality and PEP requirements. Employees who do not meet their quality requirements are placed in the Help Program. If the employee does not meet the quality requirements in the Help Program during the first phase, the employee is placed in the second phase of program. If the employee does not meet the requirements in the second phase, they may be discharged. Each phase takes approximately three months.

For the month of June 2015, claimant exceeded the quality requirements. Had claimant not quit, she would have successfully completed the Help Program. There was continued work available. Ms. Collins testified a majority of the employees meet their numbers consistently.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

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.

Iowa Admin. Code r. 871-24.25(29), (33) and (37) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(29) The claimant left in anticipation of a layoff in the near future; however, work was still available at the time claimant left the employment.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

The claimant's decision to quit because she did not agree with the employer about the quality requirements was not a good-cause reason attributable to the employer. On July 3, 2015, claimant told Ms. Collins that she was quitting and Ms. Collins accepted her resignation that day. Claimant thought she was going to be discharged in three months; however, claimant had successfully exceeded her quality requirements for June 2015. There was continued work available for claimant had she not resigned.

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The July 20, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/mak