

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NIYA A HODGDEN

Claimant

APPEAL NO. 13A-UI-11216-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PATTON FAMILY HEALTH CENTER

Employer

OC: 09/08/13

Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Niya Hodgen, filed an appeal from a decision dated September 27, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 30, 2013. The claimant participated on her own behalf. The employer, Patton Family Health Center (Patton), participated by CEO Emily Patton, Nurse Practitioner Theresa Jennings, Office Manager Kathy Frederick, and Receptionist Vickie Hammons.

ISSUE:

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

FINDINGS OF FACT:

Niya Hodgen was employed by Patton from December 17, 2012 until September 9, 2013 as a full-time clinical nurse. She had received verbal warnings in meetings on August 20, 27, and 29, 2013, about her attitude and poor work performance.

On September 9, 2013, Ms. Hodgen asked to meet with CEO Emily Patton, Nurse Practitioner Theresa Jennings and Office Manager Kathy Fredrick. She wanted to discuss taking time off for back surgery. During the meeting she said “everything is fine now” in reference to her work performance. The employer disagreed and responded with several examples of errors she had made recently. Ms. Hodgen became upset and told them she was quitting.

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.

871 IAC 24.25(28) 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 section 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 section 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:

(28) The claimant left after being reprimanded.

The claimant's decision to quit was prompted by the employer's attempt to improve her performance. She seemed to feel that since she initiated the meeting she should control the subject matter even though she had introduced the subject of her good work performance to which the employer disagreed and responded.

The fact she was being apprised of unsatisfactory work performance constitutes a reprimand. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of September 27, 2013, reference 01, is affirmed. Niya Hodgen is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs