

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSEPH M BOLDEN**  
Claimant

**APPEAL NO. 14A-UI-02383-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CJ BIO AMERICA INC**  
Employer

**OC: 01/26/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated February 12, 2014, reference 01, which denied unemployment insurance benefits finding that the claimant voluntarily quit work on January 27, 2014 after being reprimanded by the employer. After due notice was provided, a telephone hearing was held on March 25, 2014. The claimant participated. The employer participated by Ms. Sarah Adams, Jeff Booth and Scott Stevens.

**ISSUES:**

The issues are whether the claimant filed a timely appeal and whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered all the evidence in the record, the administrative law judge finds: Joseph Bolden's appeal from the representative's decision dated February 12, 2014, reference 01, is considered timely. The notice of adjudicator's determination was sent to the wrong address due to addressing error. The claimant filed his appeal as soon as he was aware of the adverse adjudicator's determination.

Joseph Bolden was employed by CJ Bio America, Inc. from January 4, 2013 until January 27, 2014. Mr. Bolden was employed as a full-time refinery operator and was paid by the hour. His immediate supervisor was Scott Stevens.

Mr. Bolden's employment with CJ Bio America, Inc. came to an end after the claimant walked off the job on January 22, 2014 after being issued a performance improvement plan. The claimant had previously received a disciplinary action for job performance and was asked to acknowledge receipt of the performance improvement plan, however, the claimant refused to sign the plan. When the meeting had ended and the claimant was told that he could leave, Mr. Bolden did not return to his workstation but instead left the premises and did not return. The claimant next contacted the employer the following Saturday and at that time inquired whether "still had a job?"

The employer's intention at the end of the Wednesday, January 22 meeting, was to have Mr. Bolden return to his workstation and to continue in employment for the remainder of the day's work. The claimant was not told that he was being discharged, suspended or otherwise informed his employment with the company had come to an end.

#### **REASONING AND CONCLUSIONS OF LAW:**

In this case the evidence in the record establishes that the claimant was not discharged during a performance improvement plan meeting on January 22, 2014. The question before the administrative law judge is whether the claimant's leaving the premises and not returning to work constituted a voluntary quit and, if so, if the quitting was attributable to the employer.

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.

In this matter the evidence establishes that Mr. Bolden was called initially to a disciplinary action meeting and subsequently on January 22, 2014 was called to a meeting where the employer attempted to explain the nature of a performance improvement plan that was being given to Mr. Bolden to keep him as an employee and have the claimant sign an acknowledgement that he had received the improvement plan. During the meeting the claimant refused to sign the plan and at the conclusion of the meeting the claimant was informed that the meeting had ended and he "could leave." The claimant had not been told that he was being discharged, suspended or otherwise told that his employment with the company was ending. The claimant chose to interpret the statement to mean that he was being discharged, although that clearly was not employer's intent.

A voluntary leaving of employment requires an intention to terminate the employment relationship with the company by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The intention to voluntarily leave his work was evinced by the claimant's action of walking off the job and not returning to work or contact the employer until four days later when he called in to inquire whether he still had a job.

The administrative law judge concludes based upon the evidence in the record that the claimant left employment on January 22, 2014 because he was dissatisfied with implementation of a performance improvement plan. While the claimant's reasons for leaving may have been a good person reason, it was not a good-cause reason attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated February 12, 2014, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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