

FINDINGS OF FACT:

The claimant started working for the employer on September 29, 2004. She worked full time as a housekeeper at the employer's Cedar Falls, Iowa hotel. Her last day of work was on or about May 15, 2005.

The claimant had been previously been reprimanded for complaints regarding missing items while cleaning. In April 2005, the general manager had given her a suspension for a similar complaint and had told her she would be discharged if there were another similar complaint. On or about May 15, the assistant head housekeeper told the claimant that there had been another similar complaint, and that she would have to talk to the general manager about it the following Monday. The claimant determined that she most likely would be discharged, and decided that she would quit rather than be discharged. She signed paperwork indicating that she was resigning her position and did not speak to the general manager; she was never told that if she did not quit she would be discharged.

The claimant established a claim for unemployment insurance benefits effective September 11, 2005. Her weekly benefit amount was established as \$106.00. Agency records show she has earnings from another employer of at least \$1,060.00 after the separation from employment from the employer.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.25 provides that, 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 claimant did express her intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code section 96.6-2. Leaving because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant has not satisfied her burden.

However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The representative's October 12, 2005 decision (reference 04) is modified in favor of the claimant. The claimant voluntarily left her employment without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

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