

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

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**JAKELINE DORMAN**  
Claimant

**THE UNIVERSITY OF IOWA**  
Employer

**APPEAL 22R-UI-09193-DZ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/12/21**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Jakeline Dorman, the claimant/appellant filed an appeal from the October 15, 2021, (reference 01) unemployment insurance decision that denied benefits because of an April 20, 2021 voluntary quit. A hearing was scheduled for December 10, 2021. The parties were properly notified of the hearing. The hearing was scheduled at the same time as another scheduled hearing involving Ms. Dorman and another employer.

The hearing was rescheduled to December 30, 2022. Ms. Dorman did not call the toll-free number listed on the hearing notice at the time the hearing was scheduled to begin or during the fifteen-minute grace period. The employer was present and ready to proceed with the hearing as scheduled. Since Ms. Dorman filed the appeal but did not call in, no hearing was held.

Ms. Dorman appealed to the Employment Appeal Board (EAB) stating that she did not receive the hearing notice for the December 30, 2022 hearing. The EAB concluded that Ms. Dorman did not participate in the December 30, 2022 hearing through no fault of her own because she did not get the hearing notice. The EAB remanded (sent back) the matter for a new hearing.

A new telephone hearing was scheduled for May 24, 2022. The parties were properly notified about the new hearing. The hearing was held on May 24, 2022. Ms. Dorman participated personally. The employer participated through Scott Coons, human resources associate, and Mason Garcia, human resources manager. The administrative law judge took official notice of the administrative record. Employer's Exhibits 1-2 were admitted as evidence.

**ISSUE:**

Did Ms. Dorman voluntarily quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Dorman began working for the employer in 2013. She worked as a full-time medical assistant. Her employment ended April 20, 2021. Ms. Dorman worked in the employee health clinic as of June 28, 2020. Ms. Dorman felt that her supervisor, who was new the position, was harassing

her because the supervisor kept calling Ms. Dorman into the office for various reasons. At one point, Ms. Dorman asked her supervisor if calling Ms. Dorman into the office would be an ongoing thing. The supervisor shrugged their shoulders. Ms. Dorman took that to mean that she would continue to be called into the office. Ms. Dorman also felt that she was not properly trained for her job. Ms. Dorman's six-week orientation had been extended, at Ms. Dorman's request, for another month. At the end of orientation, Ms. Dorman signed off on completing orientation.

On Friday, April 2, 2021, another employer reported that Ms. Dorman had a syringe in her desk drawer. After Ms. Dorman left for the day, the employer say a syringe, a needle and a patient notes in Ms. Dorman's desk drawer. The following Monday the employer told Ms. Dorman that the employer was investigating her for the items in her desk drawer. Ms. Dorman would keep notes on patients and syringes she used frequently in her desk drawer and she would usually throw them away at the end of the day. Ms. Dorman had told her supervisor that this is what she did and Ms. Dorman felt that the supervisor was understanding. The next day, April 6, Ms. Dorman gave the employer a two-week notice of her intention to resign.

On April 7, the employer saw that Ms. Dorman had left two unlabeled syringes/needles filled with a substance. On April 9, the employer spoke with Ms. Dorman about April 2 and April 7. Ms. Dorman told the employer that she had forgotten to put the items in her desk drawer in their proper place on both days. On April 12, the employer gave Ms. Dorman a second written warning for having unmarked syringes in her desk drawer. Ms. Dorman felt that the employer was further harassing her by giving her a write up after she had already given the employer a two-week resignation notice.

The employer had given Ms. Dorman two prior write ups. In September 2018, when Ms. Dorman worked in another one of the employer's clinic, the employer gave Ms. Dorman a write up for attendance issues and using profanity at work. In August 2020, gave Ms. Dorman a write up for yelling and using profanity in a conversation with employees in the benefits office about a tax issues. Per her two-week resignation notice, Ms. Dorman ended her employment on April 20.

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

For the reasons that follow, the administrative law judge concludes Ms. Dorman's separation from employment was without good cause 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.

Iowa Admin. Code r. 871-24.25(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 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:

(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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The 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).

In this case, Ms. Dorman resigned and the employer accepted her resignation. Ms. Dorman has not established that the employer harassed her. The April 12 write up was also not harassment, but discipline for having unmarked syringes in her desk drawer. Ms. Dorman did what was best for her, but her leaving was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The October 15, 2021, (reference 01) unemployment insurance decision is AFFIRMED. Ms. Dorman voluntarily left her 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.



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Daniel Zeno  
Administrative Law Judge  
Iowa Workforce Development  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

July 28, 2022  
Decision Dated and Mailed

dz/kmj

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas