

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWARD MARTIN
Claimant

APPEAL NO: 13A-UI-08518-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HARVEYS BR MANAGEMENT CO INC
HARVEYS CASINO RESORTS**
Employer

**OC: 06/30/13
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 19, 2013, reference 01, that held he voluntarily quit employment without good cause on April 29, 2013, and benefits are denied. A telephone hearing was held on August 27, 2013. The claimant did not participate. Annette Grote, HR Generalist, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant began work on July 19, 2005, and last worked for the employer as a full-time shuttle driver on April 23, 2013. HR counseled with claimant about a work issue on April 23. HR decided to prepare and issue a final written warning to claimant and present it to claimant on his next work day, April 26.

Claimant called-off work on April 26, 27 and 28. When he next reported to work on April 29 HR called him into a meeting. When claimant was informed he was going to be issued a final written warning he responded by quitting employment.

Claimant failed to respond to the hearing notice.

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(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on April 29, 2013 due to a reprimand.

The claimant was not discharged by the employer on April 29 but he was told he was going to get a final written warning. When he learned about the warning, he chose to quit employment that is not with good cause attributable to the employer.

DECISION:

The department decision dated July 19, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on April 29, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css