

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SANDRA K HARBOUR**  
Claimant

**APPEAL NO. 16A-UI-10965-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE IOWA CLINIC PC**  
Employer

**OC: 05/08/16**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Sandra Harbour (claimant) appealed a representative's September 28, 2016, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with The Iowa Clinic (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 25, 2016. The claimant participated personally. The employer participated by Courtney Strike, Human Resources Specialist; John Berglin, Central Billing Office Manager; and Jamie Carlson, Chief Human Resources Officer. The claimant offered and Exhibit A and B were received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 11, 2016, as a full-time mail clerk. On August 29 and 30, 2016, the claimant was absent to have out-patient surgery for kidney stones. She suffered from migraine headaches.

The employer talked to the claimant about working faster. On September 14, 2016, the central billing office manager noticed there was a bottle neck of workflow at the claimant's station. He called the claimant into his office to discuss her performance. He asked her to work faster. The claimant said she was working as fast as she could. They also discussed processing checks. The claimant returned to her desk to work. Later she turned in her keys and walked off the job. She left work because of the meeting. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code § 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(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.

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's intention to voluntarily leave work was evidenced by her actions. She turned in her keys and quit work. When an employee quits work after having been reprimanded, her leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's September 28, 2016, decision (reference 03) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs