

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN M MUELLER
Claimant

APPEAL NO. 13A-UI-07071-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEALTHCARE SERVICES GROUP INC
Employer

OC: 05/12/13
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Dawn Mueller filed a timely appeal from the June 7, 2013, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 17, 2013. Ms. Mueller did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Ashley Joynt represented the employer and presented additional testimony through Joe Lawler.

ISSUE:

Whether Ms. Mueller's voluntary quit was for good cause attributable to the employer. It was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Dawn Mueller was employed by Healthcare Services Group as a full-time laundry aide from July 2012 until May 8, 2013, when she quit in response to a reprimand. On May 8, 2013, Ms. Mueller's immediate supervisor, Ashley Joynt, Laundry Supervisor, met with Ms. Mueller to discuss concerns about how Ms. Mueller was treating others in the workplace. When Ms. Joynt told Ms. Mueller that she was going to write Ms. Mueller up, Ms. Mueller stood up, said she was quitting, handed Ms. Joynt her keys, and walked out the door.

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(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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record indicates that Ms. Mueller voluntarily quit in response to a reprimand. Ms. Mueller has not presented any evidence at the hearing to support her allegation of good cause attributable to the employer for the quit. The quit was without good cause attributable to the employer. Ms. Mueller is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Mueller.

DECISION:

The Agency representative's June 7, 2013, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css