

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BOBBIE J BUDD
Claimant

APPEAL NO: 06A-UI-08771-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SABRE COMMUNICATIONS
CORPORATION**
Employer

**OC: 07/09/06 R: 01
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Bobbie Budd (claimant) appealed a representative's August 21, 2006 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Sabre Communications (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 18, 2006. The claimant participated personally. The employer participated by Maria Harder, Human Resources Manager.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer and, therefore, is not eligible to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on February 21, 2005, as a full-time shipping and receiving clerk assistant. On June 28, 2006, the employer issued the claimant a verbal reprimand regarding her absenteeism. The claimant was upset by the reprimand, and on June 30, 2006, locked herself in the bathroom at work. When she came out she decided she did not like the work environment and would not return to the job. The claimant had vacation days scheduled until July 7, 2006. She did not return to work or report her absence to the employer on July 7, 10, 11, or 12. The employer assumed the claimant had voluntarily quit work. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer and is not eligible to receive unemployment insurance benefits.

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), (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:

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

(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 stopped appearing for work. When an employee quits work after having been reprimanded, her leaving is without good cause attributable to the employer. Likewise, if an employee quits work because she does not like the work environment, the leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded and she did not like the work environment. 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 August 21, 2006 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw