

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAROLYN M MAXWELL
Claimant

APPEAL NO: 12A-UI-08073-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

KOALTY TIME INC
Employer

OC: 05/13/12
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 June 27, 2012 reference 01 that held she voluntarily quit without good cause on May 17, 2012, and benefits are denied. A telephone hearing was held on July 30, 2012. The claimant participated. Isabella Blaine, Assistant Manager, Olivia Kluesner, and Diane Miklus, employees, participated for the employer.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began employment as a full-time child care provider on October 6, 2008, and last worked for the employer on May 17, 2012. The employer called claimant into a meeting on May 17 to discuss some work performance issues. Claimant was not receptive to the employer-owner's points about all the issues. The owner said she was done talking about the issues (meaning she was ready to move on to a resolution), and claimant responded "I'm done too", got up and left work. She made no attempt to return to work that day or report for scheduled work, thereafter.

The employer called the meeting at 11:00 a.m. and claimant was scheduled to work until 3:00 p.m. The owner spent about 20 minutes discussing the issues before claimant left. None of the three employer witnesses in this hearing who were present at the meeting believe the owner said anything that would cause claimant to believe she was terminated.

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.

The administrative law judge concludes claimant voluntarily quit without good cause attributable to the employer on May 17, 2012, after being verbally reprimanded.

The meeting circumstance makes it difficult to believe the employer would spend 20 minutes talking to claimant about workplace issues if it intended to terminate employment. It is also difficult three employer witnesses in this hearing would offer untruthful testimony that the employer did not terminate claimant but she quit by saying I'm done and left the meeting/work.

DECISION:

The department decision dated June 27, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause on May 17, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs