

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARY M CHENOWETH
Claimant

APPEAL 19A-UI-03655-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HYATT RESERVATION CENTER
Employer

**OC: 12/16/18
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On May 3, 2019, the claimant filed an appeal from the April 30, 2019, (reference 03) unemployment insurance decision that denied benefits based on her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on May 23, 2019. Claimant participated and testified. Employer did not participate.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on April 1, 2019. Claimant last worked as a full-time remote guest service representative. Claimant was separated from employment on April 9, 2019, when she voluntarily quit. When claimant was hired the employer explained the position to her. She was asked if she could manage stress well and claimant indicated she could. Claimant was told she would be provided with training to perform the job, which she was. Claimant found the employer's training to be very fast paced and difficult for her to keep up with. Employees in training were tested regularly to ensure they were progressing in their training. Claimant feared she would not pass her upcoming test due to her difficulty in absorbing the training information and that this would result in her discharge. On April 9, 2019 claimant notified the human resources she was resigning for these reasons.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 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:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

Claimant voluntarily resigned because she was afraid she would not be able to meet the employer's performance expectations during her training period and that she would be discharged. Claimant resigned prior to taking her upcoming test and without anyone telling her a decision had been made to discharge her. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The April 30, 2019, (reference 03) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs