

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHARON SOUTHWICK
Claimant

CARLETON LIFE SUPPORT SYSTEMS INC
Employer

APPEAL NO. 14A-UI-09323-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/03/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 28, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 30, 2014. Claimant participated with witnesses Jodi Siebler and Sarah Weets. Employer participated by Jeff Wright, Attorney at Law with witnesses Deb Herman, Senior Human Resource Generalist and Mandy Cole, Controller. Exhibits One, A, B, C and D were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on August 8, 2014. Claimant quit rather than sign a last chance agreement. Continued work was available if claimant had not quit. Claimant had made some derogatory remarks about coworkers in emails. Employer became aware of the email chain and gave all offending employees a written warning and last chance agreement. Claimant refused to sign the agreement. Employer felt that the refusal to sign meant that claimant was quitting. Employer gave claimant a voluntary termination form unsolicited. Claimant signed the form because she disagreed with several terms of the last chance agreement. Claimant's signature on the last chance agreement was not an admission to the allegation but a statement that claimant would comply.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she received a written reprimand. Claimant's refusal to sign the form does not have merit. Her signature was not an admission. Continued work was available if claimant had just signed. Disagreement with the terms and conditions is not good cause for a quit. Quitting work due to a reprimand is not good cause attributable to employer for a quit. Benefits withheld.

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.

DECISION:

The decision of the representative dated August 28, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs