

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CLAUDETTE R WARD

Claimant

APPEAL 19R-UI-06451-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BC LYND HOSPITALITY LLC

Employer

OC: 05/19/19

Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claudette Ward (claimant) appealed a representative's June 11, 2019 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits after her separation from employment from BC Lynd Hospitality (employer). Administrative Law Judge Elizabeth A. Johnson issued a decision on July 16, 2019, affirming the representative's decision. A decision of remand was issued by the Employment Appeal Board on August 12, 2019. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 6, 2019. The claimant participated personally. The employer participated by Dale Nysetvold, General Manager, and Rachel Martino, Director of Human Resources.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 23, 2013, as a full-time housekeeping manager. The employer did not issue the claimant any warnings during her employment.

The claimant was feeling stress at work and took some paid time off. She thought she should receive some recognition from the employer for having worked for them as a good employee for twelve years. She was also thinking of taking medical leave for depression.

The last day the claimant worked was approximately May 14, 2019. She returned to work after taking some days off. On May 24, 2019, the employer met with the claimant and issued her a mild reprimand. During the discussion, the claimant indicated she did not want to be at work. The employer questioned her again, "Are you telling me you don't want to be here?" The claimant said she did not. The employer asked, "Are you looking to resign?" The claimant said she wanted to resign. The employer provided her with a stock form that employees complete when they quit work. The claimant completed the form and resigned. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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 words and actions. She told the employer she was leaving and quit work. When an employee quits work after having been reprimanded or because she is dissatisfied with the work environment, her leaving is without good cause attributable to the employer. The claimant was unhappy with her work environment and left work after having been reprimanded. 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 June 11, 2019 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn