

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRACY L HOWARD**  
Claimant

**APPEAL NO: 12A-UI-04182-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CHILDREN AND FAMILIES OF IOWA**  
Employer

**OC: 03/11/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 5, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Karen Spring, a human resource representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in August 2007. The claimant worked full time as a financial management service employee.

During her employment, the workload increased but the claimant's supervisor was unable to hire enough staff to keep up with the increased workload. Instead of increasing staff, the claimant and her co-workers attended mandatory staff meetings to address the increasing number of client complaints. Until late September 2011, the claimant worked with three other full-time employees, which included her supervisor. The claimant's department also had a couple of part-time employees. In late September 2011, the employee who worked full time as the receptionist went on a leave of absence. The claimant's supervisor had surgery and was gone for two weeks. When the claimant's supervisor returned in mid-October, she had light-duty work restrictions and left during the week for on-going medical appointments. The claimant and her co-worker had to complete their work, in addition to doing reception work, unless they requested help from upper management.

On October 20, the claimant was frustrated, upset and overworked. The claimant knew her co-worker had permission to take a month's vacation in November. The assistant director was in the department and the claimant expressed her frustrations with work after the assistant

director encouraged the claimant to tell her what was bothering her. Upper management knew the claimant was not happy. After the claimant told the assistant manager about all the problems, the employer was not upset with what the claimant said to the assistant manager, but how she stated her opinions or talked to the assistant manager. The employer decided that the claimant had been disrespectful and unprofessional in the way she expressed her frustration to the assistant manager on October 20.

On November 14, the employer gave the claimant a written warning for the way she talked and treated the assistant manager on October 20. The claimant was extremely upset about getting a written warning three weeks after the incident when she had worked extra hours to get her job done. She made the remark that the written warning was ridiculous and she was quitting. The claimant told the employer three times she was quitting. The employer accepted her resignation. The claimant told the employer she was quitting because upper management did not support her and no one told the claimant thank you for all the long hours she was working while her department was short staffed.

After the claimant had an opportunity to calm down, Spring talked to her on November 18. Spring knew the claimant had children and asked if she would consider working until January 31, 2012, instead ending her employment immediately or in two weeks. The claimant agreed the effective date of her resignation would be January 31, 2012. The claimant worked until January 31, 2012.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she resigned after receiving a reprimand. 871 IAC 24.25(28). The employer may have been justified in giving the claimant the November 14 written warning, but giving the claimant the written warning three weeks after the incident occurred was not reasonable. This is compounded by the fact; the claimant's department had been short staffed for a number of months especially since early October. It is understandable why the claimant was upset and told the employer she was resigning that same day. The claimant admitted that if the employer had not given her the written warning, she would not have told the employer she quit that day. The warning basically served as a "slap in the face" for all the claimant's long hours of work. Instead of thinking through her options, the claimant told the employer she quit when she was upset. The employer accepted the claimant's resignation and was not obligated to let her rescind the resignation. Since the claimant did not put her resignation in writing or indicate when her last day of work would be, the claimant and the employer mutually agreed she would work until January 31, 2012. By working until January 31, the claimant had an opportunity to find another job and the employer had time to hire an employee to replace the claimant.

The claimant established personal reasons for quitting, but she did not establish that she quit for reasons that qualify her to receive benefits. As of March 11, 2012, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's April 5, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit her employment on November 14 and later agreed her last day of work would be January 31, 2012. The claimant quit for personal reasons, but she did not establish that she quit for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 11, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs