

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WENDY J SHAFFER
Claimant

APPEAL NO. 07A-UI-00719-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROCKWELL AUTOMATION INC
Employer

**OC: 12/10/06 R: 04
Claimant: Respondent (2)**

Section 96.5(1)a – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Rockwell Automation, Inc. filed an appeal from a representative's decision dated January 3, 2007, reference 01, which held that no disqualification would be imposed regarding Wendy Shaffer's separation from employment. After due notice was issued, a hearing was held by telephone on February 9, 2007. Ms. Shaffer participated personally. The employer participated by Justin Ruegg, Human Resources Representative, and Darrel Holmes, Production Supervisor.

ISSUE:

At issue in this matter is whether Ms. Shaffer was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Shaffer began working for Rockwell Automation, Inc. on February 16, 1997. At the time of separation, she was working full-time as an electronics assembler. On November 20, 2006, Ms. Shaffer had a performance evaluation with Darrel Holmes. Her overall rating was "needs improvement." She was advised that she would be placed on a 90-day performance improvement plan to address her deficiencies. Among other items, the plan would address reducing errors and meeting production goals.

On November 21, Ms. Shaffer met with Justin Ruegg in the human resources department to discuss her dissatisfaction with the evaluation. Mr. Ruegg indicated he would look into the matter and get back to her. After checking the quality reports regarding her work, he informed her that he was going to uphold the evaluation. He indicated he wanted to arrange a time to discuss the evaluation and performance improvement plan with her. On November 27, Ms. Shaffer notified the employer that she was quitting because of the evaluation. She indicated her last day would be December 15. As of the date she tendered her resignation, she had not been presented with the written performance improvement plan and human resources had not yet made arrangements to meet with her.

Ms. Shaffer did not have any problems with Mr. Holmes prior to the evaluation on November 20. He had been her supervisor since April 27, 2006. She felt he did not like her because he did not always speak to her on the production floor. She also objected to the fact that he would pull her from one machine and place her on another. She also objected to the fact that he did not always return voicemail messages left for him. She never tried to flag him down to talk to him on the production floor. The employer has an ombudsman employees can go to with work-related concerns. Continued work would have been available if Ms. Shaffer had not quit.

Ms. Shaffer filed a claim for job insurance benefits effective December 10, 2006. She has received a total of \$1,626.00 in benefits since filing her claim.

REASONING AND CONCLUSIONS OF LAW:

Ms. Shaffer voluntarily quit her employment. She was not told she would be discharged if she did not quit. Therefore, it was not a forced resignation. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Shaffer quit because she was unhappy with her evaluation and the fact that she was being placed on a performance improvement plan. The contents of the evaluation and the need for a performance improvement plan was upheld after human resources reviewed quality reports concerning her work. It was not unreasonable for the employer to place Ms. Shaffer on a performance improvement plan if there were problems with the quality and quantity of her work. She had the opportunity to raise her concerns with the ombudsman made available by the employer since she was still dissatisfied after speaking with human resources. She did not avail herself of that opportunity before quitting.

Ms. Shaffer did not know the specifics of the performance improvement plan and what would be expected of her before she quit. Her disagreement with the evaluation did not constitute good cause attributable to the employer for quitting as it does not appear that it was based on false information regarding her performance. Likewise, the employer's decision to place her on a performance improvement plan did not constitute good cause for quitting in light of the fact that there were, in fact, problems with her job performance. For the reasons stated above, the administrative law judge concludes that Ms. Shaffer is disqualified from receiving job insurance benefits.

Ms. Shaffer has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated January 3, 2007, reference 01, is hereby reversed. Ms. Shaffer voluntarily quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Shaffer has been overpaid \$1,626.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

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