

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDRA K MASON
Claimant

APPEAL NO. 11A-UI-05927-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OPTIMAE LIFESERVICES INC
Employer

**OC: 04/03/11
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Sandra Mason, filed an appeal from a decision dated April 27, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 31, 2011. The claimant participated on her own behalf. The employer, Optimae Lifeservices, Inc. (Optimae), participated by Service Coordinator Ruth Finch, Program Director Vanessa Weller, and Administrative Assistant Susan Lay.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Sandra Mason was employed by Optimae from July 29, 2010 until March 27, 2011 as a part-time community support staffer. On March 25, 2011, Service Coordinator Ruth Finch met with the claimant to discuss an incident that had occurred on March 11, 2011. This was not a formal disciplinary action but a coaching given to all members of the team involved with the incident to try and find a better way for the team to function.

The claimant became upset because she did not feel the information being discussed was accurate. Due to time constraints, Ms. Finch suggested the meeting be continued until Monday, March 28, 2011, but the claimant said she was quitting. She was asked to reconsider and wait until Monday but she declined. Ms. Finch asked her to give a notice and Ms. Mason agreed to work over the weekend rather than leave the employer "in a bind."

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 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.

The claimant quit because she was being coached, along with all the rest of the team, about a prior incident involving clients. Her job was not in jeopardy, because it was only a general coaching. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer. She is disqualified.

DECISION:

The representative's decision of April 27, 2011, reference 01, is affirmed. Sandra Mason is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw