

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOEY TAYLOR
Claimant

RIVERVIEW CENTER INC
Employer

APPEAL 22A-UI-06274-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 02/06/22
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment
Iowa Code § 96.5(2)a – Discharge from Employment
Iowa Admin. Code r. 871-24.25 (38) – Resignation and Discharge before Notice Completion

STATEMENT OF THE CASE:

On March 11, 2022, claimant Joey Taylor filed an appeal from the March 2, 2022 (reference 01) unemployment insurance decision that denied benefits based on a determination that she voluntarily left her employment on February 2, 2022. The parties were properly notified of the hearing. A telephonic hearing was held at 8:00 a.m. on Wednesday, April 20, 2022. The claimant, Joey Taylor, participated. The employer, Riverview Center, Inc., participated through Eric Langston, Board Member. Claimant's Exhibits A and B were received and admitted into the record.

ISSUE:

Did the claimant separate from employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began her employment with Riverview Center, Inc., on November 13, 2017. She worked for the employer as a full-time Executive Director. Claimant submitted a resignation letter on February 1, 2022, and was then discharged from employment on February 4, 2022.

The final incident that compelled claimant to resign occurred on January 27, 2022. Langston had contacted claimant to inform her that the Board had received an internal complaint. According to Langston, the complaint was "BS" but the Board was required to investigate regardless. Claimant felt she could not go through yet another investigation while maintaining a sense of leadership over the organization.

Claimant had been investigated by the Board on prior occasions. She felt the Board created an unhealthy culture for her by giving credence and legitimacy to the complaints that staff-members brought to them. The Board would investigate these complaints and would encourage staff-members to share information with them.

Claimant submitted a resignation letter to Langston via email on February 1, 2022. In her letter, she requested a six-month severance package. Langston and the Board interpreted this request as claimant giving six months' notice that she was resigning from her position. Due to the pending investigation involving the claimant, the Board determined claimant should be removed from employment effective February 4, 2022. They did not have any concrete information at that time that claimant had engaged in any misconduct.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is eligible for benefits through the week ending August 6, 2022. Thereafter, benefits are denied.

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(21) and (38) provide:

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:

(21) The claimant left because of dissatisfaction with the work environment.

...

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Here, claimant left her employment due to continuing employee complaints and investigations into her behavior. This was undoubtedly frustrating, and the administrative law judge is sympathetic to the difficulties of leading a team during chaos. However, the Board had an obligation to investigate the complaints raised, regardless of claimant's opinion of them.

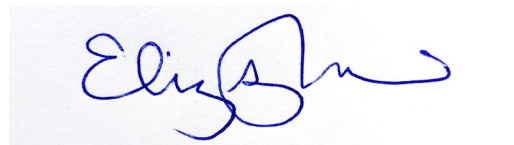
Claimant failed to demonstrate through her testimony or documentation how her employer caused her to quit her position.

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). Here, claimant submitted a resignation letter to the board and severed her employment relationship. Claimant is ultimately not entitled to benefits as of the effective date of her resignation letter.

However, in response to that resignation letter – which Langston himself believed provided six months' notice – the Board terminated claimant. Because the discharge was in response to a resignation notice no misconduct is established. Since the employer terminated the employment relationship in advance of the resignation notice effective date, the claimant is entitled to benefits from the date of termination (February 4, 2022) until the effective date of the proposed resignation (August 1, 2022).

DECISION:

The March 2, 2022 (reference 01) unemployment insurance decision is modified in favor of the claimant/appellant. Claimant separated from employment without good cause attributable to the employer, but she was discharged from employment in response to her resignation letter. Benefits are allowed from February 4, 2022, through the week of August 1, 2022. Thereafter, benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

April 28, 2022
Decision Dated and Mailed

lj/lj