

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**KARLA K LANE
1301 N MADISON
MASON CITY IA 50401**

**CARE INITIATIVES
c/o JOHNSON & ASSOCIATES
PO BOX 6007
OMAHA NE 68106-6007**

**Appeal Number: 06A-UI-04807-JTT
OC: 04/09/06 R: 02
Claimant: Appellant (4R)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit
871 IAC 24.27 – Voluntary Quit of Part-time Employment

STATEMENT OF THE CASE:

Claimant Karla Lane filed a timely appeal from the April 27, 2006, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on May 18, 2006. Claimant participated. Attorney Dawn Gibson of TALX UC eXpress/Johnson & Associates represented the employer and presented testimony through Manly Nursing Center Administrator Jack Musker and Dietary Manager Liz Holt.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Karla Lane was employed by Manly Nursing Center as a part-time evening cook for approximately five years until April 10, 2006, when she quit in response to a pending reprimand. On April 10,

Administrator Jack Musker and Dietary Manager Liz Holt summoned Ms. Lane to a meeting for the purpose of issuing a reprimand. On April 6, Ms. Holt had attempted to call Ms. Lane into work on her scheduled day off. Ms. Lane believed the employer should not bother her at all on her day off. During the phone call, Ms. Lane told Ms. Holt that Ms. Holt could cover the shift and abruptly hung up. The purpose of the planned meeting on April 10 was to address the hang-up and negative behavior Ms. Lane had been demonstrating in the work place. As the meeting commenced, Mr. Musker began reading the written reprimand to Ms. Lane. Neither Mr. Musker nor Ms. Holt intended to discharge Ms. Lane from the employment. The meeting had barely begun when Ms. Lane announced, "Well, I'm not going to put up with this." Ms. Lane then announced, "You can take your job and shove it," and walked out.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Lane's voluntary quit was for good cause attributable to the employer. It does not.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25. Where an employee quits in response to a reprimand, the employee is presumed to have quit without good cause attributable to the employer. 871 IAC 24.25(28).

The evidence in the record indicates that Ms. Lane voluntarily quit the employment without good cause attributable to the employer. Accordingly, the quit was a disqualifying event and the employer's account will not be charged.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage credits to be eligible for benefits, may receive reduced benefits based on the other base period wages. See 871 IAC 24.27. In other words, though Ms. Lane is not eligible for benefits based on wage credits she earned through her employment with Care Initiatives, she may be eligible for reduced benefits if she performed work for other employers during 2004 and earned wage credits. This matter will be remanded for determination of Ms. Lane's eligibility for reduced benefits.

DECISION:

The Agency representative's decision dated April 27, 2006, reference 01, is affirmed but modified as follows. The claimant voluntarily quit the part-time employment without good cause attributable to the employer. The claimant is disqualified for full benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided

she is otherwise eligible. The employer's account shall not be charged. Because the employment was part-time, this matter is remanded for determination of the claimant's eligibility for reduced benefits based on wage credits accrued for employment with employers other than Care Initiatives.

jt/kkf