

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JENNIFER L KETELAAR**  
Claimant

**APPEAL NO. 20A-UI-03632-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MIDLAND INFORMATION RESOURCES  
COMPANY**  
Employer

**OC: 03/29/20**  
**Claimant: Respondent (2)**

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Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the April 23, 2020, reference 01, decision that allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant had voluntarily quit due on March 13, 2020 for good cause attributable to the employer. After due notice was issued, a hearing was held on May 21, 2020. Claimant Jennifer Ketelaar did not provide a telephone number for the appeal hearing and did not participate. Kelly Green represented the employer and presented additional testimony through Susan Russell. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant, which record reflects that no benefits have been disbursed to the claimant in connection with the March 29, 2020 original claim. Exhibit 1 was received into evidence.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Midland Information Resources Company provides phone and email customer service support to client businesses. John Deere is a major customer. Jennifer Ketelaar was employed by Midland during two distinct periods. The most recent employment began in 2009 and ended on March 13, 2020, when Ms. Ketelaar voluntarily quit. Ms. Ketelaar was a full-time employee assigned to provide customer service support for John Deere. Susan Russell, Director of Accounting Services, was Ms. Ketelaar's immediate supervisor. Ms. Ketelaar's work hours were 7:00 a.m. to 3:00 p.m., Monday through Friday.

On Thursday, February 27, 2020, Executive Manager Deb Cornelis, spoke with Ms. Ketelaar regarding the John Deere account. Ms. Cornelis was not Ms. Ketelaar's supervisor, but was responsible for the John Deere account. Ms. Cornelis was concerned that Ms. Ketelaar had communicated with a John Deere contact regarding a particular customer service issue internal to Midland Information Resources without first raising her concern within Midland. Susan

Russell, Director of Accounting Services, was Ms. Ketelaar's immediate supervisor and approved Ms. Cornelis' request to speak with Ms. Ketelaar regarding the communication concern. The meeting took place in Ms. Cornelis' office. The meeting was not disciplinary in nature. During that meeting, Ms. Cornelis contacted Ms. Russell, conveyed that the meeting was not going well, and requested that Ms. Russell join the meeting. Ms. Russell joined the meeting. Ms. Ketelaar expressed concern that she had not received all the information she needed regarding the John Deere account. Unlike Ms. Cornelis and Ms. Russell, Ms. Ketelaar did not have a decision-making role in connection with the John Deere. During the meeting, Ms. Russell apologized for any lapses in communication in connection with the John Deere account that were causing Ms. Ketelaar concern. Ms. Russell left the meeting with understanding that the communication issues that prompted the meeting had been addressed and resolved. However, Ms. Ketelaar promptly contacted Kelly Green, Human Resources Manager. Over the course of a three-hour meeting, Ms. Ketelaar aired her various grievances with the employment. Ms. Ketelaar expressed that she felt under-valued by the employer. At the end of the meeting Ms. Ketelaar announced that she was leaving for the day, would not be reporting the next day, and maybe would return on the following Monday. Ms. Ketelaar had not requested to leave early and had not been approved to leave early. Ms. Ketelaar had not requested to be absent the following day and had not been approved to be absent the following day. Ms. Ketelaar was aware at the time that the employer had no one ready to take on Ms. Ketelaar's duties in connection with the John Deere account. Ms. Ketelaar announced she was taking this time away from the employment to cause the employer pain and to teach the employer a lesson.

When Ms. Ketelaar returned to work on March 2, 2020, Ms. Russell summoned Ms. Ketelaar to a meeting to discuss the events of the previous week. Ms. Russell told Ms. Ketelaar that she was not happy, but that she was not terminating Ms. Ketelaar's employment. Ms. Russell asked Ms. Ketelaar whether she was feeling overwhelmed with her duties. Ms. Ketelaar assured Ms. Russell she was fine with her duties. Ms. Ketelaar then asked, "How do I give my two-week notice?" The employer confirmed that Ms. Ketelaar was indeed giving formal notice of a quit. Ms. Ketelaar subsequently provided written notice that she was quitting the employment. Ms. Ketelaar worked to March 13, 2020 and then voluntarily separated from the employment. The employer had ongoing work available for Ms. Ketelaar at the time she separated from the employment.

Ms. Ketelaar established an original claim for benefits that was effective March 29, 2020, but has received no benefits in connection with the claim.

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

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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).

Iowa Admin. Code r. 871-24.25 provides, in relevant part, as follows:

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:

- (6) The claimant left as a result of an inability to work with other employees.  
...
- (21) The claimant left because of dissatisfaction with the work environment.  
...
- (27) The claimant left rather than perform the assigned work as instructed.
- (28) The claimant left after being reprimanded.

The evidence in the record establishes a March 13, 2020 voluntary quit that was without good cause attributable to the employer. Ms. Ketelaar did not participate in the hearing and presented no evidence to establish good cause attributable to the employer for leaving the employment. The evidence establishes that Ms. Ketelaar left the employment in immediate response to a meeting that disciplinary in nature and that was based on Ms. Ketelaar's conduct on February 27 that was unprofessional, unreasonable and detrimental to the employer. The evidence establishes that Ms. Ketelaar voluntarily left the employment rather than perform her work duties as directed by those who had relevant decision-making authority concerning Ms. Ketelaar's performance of her duties. The concerns and Ms. Ketelaar's dissatisfaction with the work environment did not provide good cause attributable to the employer for the voluntary quit. Accordingly, Ms. Ketelaar is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Ketelaar must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

Because no benefits have been disbursed in connection with the claimant, there are no overpayment issues to address.

**DECISION:**

The April 23, 2020, reference 01, decision is reversed. The claimant voluntarily quit the employment on March 13, 2020 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.



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James E. Timberland  
Administrative Law Judge

May 29, 2020  
Decision Dated and Mailed

jet/scn