

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACY L KALB
Claimant

APPEAL NO. 07A-UI-06473-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LORAS COLLEGE
Employer

**OC: 06/0/07 R: 04
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Stacy Kalb, filed an appeal from a decision dated June 20, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 17, 2007. The claimant participated on her own behalf. The employer, Loras College, participated by Benefits Coordinator Gina Noel, Custodial Supervisors Darlene Hartman and Pam Schuster, and Director of Health Center Lois Noel.

ISSUE:

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

FINDINGS OF FACT:

Stacy Kalb was employed by Loras College from August 9, 2006 until April 24, 2007, as a full-time custodian. She had been absent due to workers' compensation and other personal issues from March 13 until April 23, 2007, all of which had been excused by doctor's notes.

The morning of April 24, 2007, the claimant left a voice mail message for her supervisor, Darlene Hartman, saying she was quitting because "Pam wants to fire me. There, she wins." Continuing work was available to her had she not quit, but she seemed to have confused prior verbal warnings in 2006 and a 90-day evaluation in November 2006, which extended her probationary period by 30 days, to be disciplinary actions for which the employer intended to discharge her.

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.

The claimant quit because she believed she was going to be written up “five times” and discharged. The record does not support this contention. All the warnings were prior verbal warnings from some months before her leave of absence, and a 90-day performance evaluation given over five months before her resignation. The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The representative's decision of June 20, 2007, reference 01, is affirmed. Stacy Kalb 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