

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA J FRANCKE
Claimant

APPEAL NO. 09A-UI-07495-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENGINEERED SEAL PRODUCTS INC
Employer

**Original Claim: 04/19/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated May 15, 2009, reference 01, that held she voluntarily quit without good cause attributable to the employer after being reprimanded on April 14, 2009, and benefits are denied.

A telephone hearing was scheduled for and held on June 9, 2009. The claimant participated. Heather Cody, human resource generalist, and Michelle Miller, business unit manager, participated on behalf of the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily left with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, finds that: The claimant began work for the employer on July 21, 2008, and last worked as a full time lead assembly operator on April 14, 2009. The claimant was issued a written employee warning notice on April 14, 2009 for a quality control issue regarding product. Manager Miller read the employee warning notice to the claimant. The claimant responded by saying that she didn't want to sign the warning or comment on it. The claimant further stated that she was giving her two-week notice.

The employer accepted the claimant's two-week notice and during a post-interview conference with Human Resource Generalist Cody, the claimant was told that she did not need to return to work and that she would be paid during the two-week notice.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that the claimant voluntarily left without good cause attributable to the employer on April 14, 2009, when she chose to quit employment in response to a written reprimand.

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.

While the claimant disputed that she received a copy of the employee warning notice, she did acknowledge that it was read to her, such that she understood the reason for the warning. The claimant admitted that she did not sign for the warning or comment in response to it though given the opportunity to do so.

The employer witnesses offered credible testimony that the claimant gave two-week notice that she was quitting her job and that the notice was accepted by the employer. The claimant was then paid for the two-week period that ended on April 28.

DECISION:

The department representative's decision dated May 15, 2009, reference 01, is affirmed. The claimant voluntarily left without good cause attributable to the employer on April 14, 2009. The claimant is not entitled to receive 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.

R. L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

srs/kjw