

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAISHA WHITE
Claimant

APPEAL NO. 14A-UI-04811-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RAPID-MAC INC
Employer

OC: 04/06/14
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Laisha White (claimant) appealed a representative's April 29, 2014, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was discharged from work with Rapid-Mac (employer) for leaving work without the employer's permission. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 28, 2014. The claimant participated personally. The employer participated by Alexis Lagrange, General Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on June 13, 2013, as a full-time crew person. On April 9, 2014, the employer was notifying employees of raises. The employer called the claimant into an office and told her she would be receiving only a five-cent raise per hour. The employer reprimanded the claimant for poor attendance and failure to use cup holders. This upset the claimant. She went back to work and made statements like, "Fuck you all and your five-cents. I'm going to get another job."

Not too long after this the claimant put down an iced tea cup and her headset and walked to the time clock. Her supervisor asked her if she wanted to take a break. The claimant did not answer her. The claimant clocked out and left. Based on the claimant's statements, her failure to answer the supervisor, and her leaving in middle of her shift, the employer assumed the claimant quit work. Continued work was available had the claimant not resigned. A few minutes later the claimant called the employer stating she was taking a break. The employer had already accepted her resignation.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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(28), (13), (37) 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.

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

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). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was going to get another job, walked out, and quit work. When an employee quits work after having been reprimanded or is dissatisfied with her wages, her leaving is without good cause attributable to the employer. When an employee gives notice of an intent to quit and the employer accepts the employee's resignation, her leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded and because she was dissatisfied with her raise. The employer accepted the claimant's resignation. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's April 29, 2014, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs