

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NATASHA A BROOKS**  
Claimant

**APPEAL NO: 11A-UI-06870-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CDS GLOBAL INC**  
Employer

**OC: 04/24/11**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving  
Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Natasha A. Brooks (claimant) appealed a representative's May 18, 2011 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from CDS Global, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 20, 2011. The claimant participated in the hearing. Linda Burns appeared on the employer's behalf and presented testimony from one other witness, Paula Burnett. One other witness, Shannon Parrish, was available on behalf of the employer but did not testify. During the hearing, Employer's Exhibit One was entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was there a disqualifying separation from employment either through a voluntary quit without good cause attributable to the employer or through a discharge for misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on July 26, 2010. She worked full-time as a customer service representative on a 12:00 p.m.-to-8:00 p.m., Monday-through-Thursday schedule. Her last day of work was April 28, 2011.

The claimant had received some prior warnings for attendance. She had been seeking to get a change in her schedule to accommodate childcare issues, but the employer could not attempt to make any changes until at least June. The claimant had requested to be off on April 27 and April 28 to take care of some medical and some personal appointments, but on or about April 25 the employer had denied the request because the employer was too short staffed. Regardless, the claimant called in an absence on April 27. She did report for work on April 28, and was given a warning for the absence on April 27. However, she indicated that she would still need to leave work early, by about 6:00 p.m.

The employer responded by indicating that if she left early, she would be given an additional attendance warning, which would be her final warning. The claimant was concerned that this could

lead to her subsequently being discharged, so she stated that she would just turn in her notice. The employer responded by offering the claimant a “voluntary resignation form.” The claimant filled out the form, indicating April 28 as being her last day of work, and stating the reason as “I have schedule conflicts.” As a result, the claimant’s employment ended at that time.

**REASONING AND CONCLUSIONS OF LAW:**

A voluntary quit is a termination of employment initiated by the employee – where the employee has taken the action that directly results in the separation; a discharge is a termination of employment initiated by the employer – where the employer has taken the action that directly results in the separation from employment. 871 IAC 24.1(113)(b), (c). A claimant is not eligible for unemployment insurance benefits if she quit the employment without good cause attributable to the employer or was discharged for work-connected misconduct. Iowa Code §§ 96.5-1; 96.5-2-a.

The claimant asserts that her separation was not “voluntary,” as she had not desired to end the employment; she argues that she was, in essence, forced to complete the voluntary quit form and therefore the separation should be treated as a discharge for which the employer would bear the burden to establish it was for misconduct. Iowa Code § 96.6-2; 871 IAC 24.26(21). Rule 871 IAC 24.25 provides that, 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 did not indicate that the claimant’s employment would be ended if she did not complete the voluntary quit form; rather, even if the claimant had left early and been given a final warning, her job was still available to her if she could avoid future schedule problems. It was the claimant who first voiced the thought of submitting her resignation notice, and she did not note anything to the contrary when she completed the resignation form. Therefore, the separation is considered to be a voluntary quit. The claimant then has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2.

Leaving employment due to personal schedule issues is not a good cause attributable to the employer. 871 IAC 24.25(17), (18). The claimant has not satisfied her burden. Benefits are denied.

**DECISION:**

The representative’s May 18, 2011 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of April 28, 2011, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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