

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TINA M PADGETT

Claimant

APPEAL NO. 07A-UI-00514-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ORSCHELN FARM & HOME LLC

Employer

**OC: 12/10/06 R: 03
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 2, 2007, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 30, 2007. Claimant participated with witness Warren Arendt. Employer participated by Lynee Miller, Head of Human Recourses; Amy Wyatt, Senior Human Resources Assistant; Dean Timmons, Training Manager; and Gene Lisk, Associate Store Manger. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on November 30, 2006. Claimant turned in a letter resigning from the assistant manager position and also asking for a sales clerk position. Employer deemed the letter as a resignation instead of a request for transfer. Claimant was ordered off the property after the end of her shift.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she wanted a transfer. Employer accepted half of the letter, that being a resignation, but rejected the transfer request. The letter was clearly a request for a transfer and not severable. This is a quit for cause attributable to employer. The resignation was clearly hinged to the transfer request. Employer decided to sever the two issues and forced claimant out. This is a separation for cause attributable to employer. Benefits allowed.

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.

DECISION:

The decision of the representative dated January 2, 2007, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw