

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KERRIE J RIEPMA
Claimant

APPEAL NO. 11A-UI-06596-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEGG MEMORIAL HEALTH CENTER
Employer

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

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a department representative's decision dated May 13, 2011, reference 01, that held the claimant voluntarily quit with good cause on April 8, 2011, and benefits are allowed. A hearing was held on June 14, 2011. The claimant participated. Tammy Faber, HR Director, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds that: The claimant started work as a full-time medical lab technician for the employer beginning April 19, 2010, and last worked on April 8, 2011. The claimant was supervised by Roxanne Marxen.

Claimant was issued a corrective action by Marxen on December 20, 2010 for an unsatisfactory job performance. About March 10, she had an office conference with HR/Faber about a complaint that she had with supervisor Marxen. She believed that she was being credited with making the same mistakes that other employees were not. She stated she did not want to quit her job, but she felt there was a communication problem with her supervisor, and she didn't know what to do.

Faber consulted with the employer/administrator and confronted Marxen with claimant's complaint. Marxen provided documentation of claimant performance errors. Faber concluded it would be difficult for claimant to improve her job performance to the standard required by the employer to avoid termination, so she approved administration about offering claimant some considerations if she would leave employment. Faber knew that claimant was worried about getting her accrued vacation (\$1,127.00), and finding another job. She received permission to offer claimant two weeks of severance pay (\$1,242.00).

Faber met with claimant on March 24, and told her she had completed her investigation. She said that she could not see that things would be getting any better and there was any way to salvage her job. Faber offered claimant that employer would pay her accrued vacation and two weeks' severance if she would leave employment. Claimant thought it over and on March 26 she e-mailed employer accepting the offer with an e-mail resignation (two-week) notice that she would be leaving April 8. The employer accepted the resignation.

Claimant waited to file her unemployment claim until after the two-week severance pay period had elapsed, and she reported her vacation pay when filing her claim.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the claimant voluntarily quit without good cause attributable to his employer when she resigned effective April 8, 2011.

The employer representative recognized after the investigation that it would be difficult for claimant to improve her job performance to the satisfaction of the employer. She went to administration to seek a resolution of claimant's employment situation by obtaining consent to offer claimant payment of severance and accrued vacation pay as an inducement to leave employment.

When she met with claimant on March 24 she communicated to claimant she stated to her that things were not going to get any better and it would be difficult for her to salvage her job. The employer told claimant she could quit her job and receive both accrued vacation and severance pay as an inducement to resign, because the employer wanted to end the employment relationship without going thru termination. Knowing that the employer wanted to end the employment relationship, it was for good cause she accepted the invitation to do so.

DECISION:

The decision of the department representative dated May 13, 2011, reference 01, is affirmed. The claimant voluntary quit with good cause attributable to the employer effective April 8, 2011. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs