

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHEROKEE HARTMAN
Claimant

APPEAL NO. 17A-UI-00228-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERVIEW SYSTEMS LTD
Employer

OC: 04/10/16
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 29, 2016, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 30, 2017. Claimant participated. Employer participated by Michelle Nealy, Tanika Davis, Tasha Prickett and Diane Petersen. Claimant's Exhibits A through C were 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 considered all of the evidence in the record, finds: Claimant last worked for employer on December 5, 2016. Claimant had a dispute with a coworker on that date, and both parties went to the center director. At that meeting, claimant became very upset and repeatedly interrupted her coworker. At some point in the meeting, claimant stated that she was done and couldn't do this anymore. Claimant then walked out of the director's office. This occurred in the middle of the day with hours left for claimant to work.

Employer stated that they interpreted claimant's action as a quit. Claimant called up the next morning at or around the time she was to come into work and arranged a meeting with the director for 10am. When claimant arrived for the meeting, she found out her badge had already been changed to not allow her into the building. At the meeting, claimant started again defending her actions. Employer explained that claimant hadn't worked well in the classroom placements.

Claimant stated that she told employer that she had to leave the meeting on December 5, 2016 as she was afraid that her seizures might occur if she were to remain in the meeting. Employer stated that it was aware of claimant's seizures, but not informed as to causes. Employer further stated that claimant did not mention anything about seizures when she left the meeting and the building.

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 holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was upset at a meeting after an argument with a coworker.

Employer attempted to let both claimant and her coworker have an opportunity to share their sides of the story surrounding the argument. Claimant interrupted her coworker repeatedly and got very excited after she had been given her opportunity to share information. It is the belief of the administrative law judge that claimant quit her job on December 5, 2016. Otherwise, if the situation occurred as claimant alleged, she would have had no reason not to show up for work at 7:30am. Claimant called employer rather than appearing for her job in a timely manner. This is indicative of claimant's realizing that she did not have a job to go back to.

DECISION:

The decision of the representative dated December 29, 2016, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs