

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIE M FINDLAY**  
Claimant

**APPEAL NO. 07A-UI-01443-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALEGENT HEALTH**  
Employer

**OC: 01/07/07 R: 01**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Julie M. Findlay (claimant) appealed a representative's January 30, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Alegent Health (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 26, 2007. The claimant participated in the hearing. Ted Arndt, a representative with TALX, appeared on the employer's behalf, with witnesses, Julie Brown and Jim Prudent. 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:**

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in June 1990. At the time of hire, the claimant received a copy of the employer's drug policy.

Prior to October 5, 2006, the claimant's job was in jeopardy because of attendance issues. On October 5, 2006, Brown, the human resource manager, and Pruden, the claimant's supervisor, observed the claimant act in such a way they concluded they had reasonable suspicion, in accordance with the employer's policy, to ask the claimant to submit to a drug test. Around 2:00 p.m., the employer again explained the employer's drug policy to the claimant and gave her a copy of the employer's drug-testing policy. The employer explained that based on observations, the employer had reasonable suspicion the claimant was under the influence and asked her to submit to a drug test. The claimant became very emotional and was offended that the employer asked her to submit to a drug test. The employer explained the drug test would be confidential. In accordance with the policy, if the claimant refused to take the requested test,

she could be discharged. The claimant decided she would not submit to the requested drug test. The claimant then submitted her resignation that was effective immediately on October 5, 2006.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence indicates the claimant initiated the employment separation when she decided to resign instead of submitting to a drug test. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The claimant knew the employer had a drug test policy. The claimant also understood as of October 5 that in accordance with the employer's policy, she would be discharged if she did not submit to a requested drug test. The claimant established personal reasons for submitting her resignation. Her reasons do not qualify her to receive unemployment insurance benefits. October 5, 2006, the claimant is not qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's January 30, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 7, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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