

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN R JAURON
Claimant

APPEAL NO: 13A-UI-02026-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MID-STEP SERVICES INC
Employer

OC: 01/06/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Job Abandonment
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 18, 2013, reference 01, that held he voluntarily quit without good cause attributable to his employer on November 20, 2012, and benefits are denied. A telephone hearing was held on March 18, 2013. The claimant participated. Jan Hackett, HR Director, and Joanne Spencer, Program Coordinator, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without 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: The claimant worked for the employer as a full-time residential living assistant from June 11, 2012 to November 19. The employer issued claimant a 90-day unsatisfactory performance evaluation, and followed it with a 30-day unsatisfactory review.

On November 16 claimant was called in to a supervisor conference and issued a 30-day written disciplinary notice with a plan of action to correct job performance issues. Claimant read the documents and refused to sign for the discipline. He became angry and upset to the point he stated I have to leave. Later, he came back and the supervisor stated if he left it would be considered job abandonment and a voluntary quit of employment. Claimant left employment.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(4) and (28) provide:

Voluntary quit without good cause. 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 has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

(28) The claimant left after being reprimanded.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to leaving after a written reprimand and job abandonment on November 19, 2012.

Claimant contends he was terminated. A refusal to sign for a written discipline is misconduct as a matter of law. The employer made it clear to claimant if he left employment it would be a voluntary quit due to job abandonment. Since the discipline included a plan of action to correct the performance issues, it is apparent the employer wanted to continue the employment relationship. Claimant's choice to leave on his terms is a voluntary quit without good cause.

DECISION:

The department decision dated February 18, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on November 19, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css