

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY M EVEN**  
Claimant

**APPEAL NO: 12A-UI-04251-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMERICAN BANK**  
Employer

**OC: 02/05/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit  
871 IAC 24.25(40) – Left Before Date Employer Allowed Claimant to Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's March 28, 2012 determination (reference 01) that held she was not eligible to receive benefits from February 5 through March 3, 2012, but was eligible to receive benefits as of March 4, 2012. The claimant participated in the hearing. Jason Thompson appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits from February 5 through March 3, 2012.

**ISSUE:**

Is the claimant eligible to receive benefits as of February 5 or as of March 4, 2012?

**FINDINGS OF FACT:**

The claimant started working for the employer on October 20, 2011. She worked as a full-time customer service representative. At the end of her 90-day probation, the employer concluded she had not met the employer's expectations. The employer decided the claimant had not satisfactorily completed her probation. The employer informed the claimant on February 3; she would not be hired and was discharged for failing to satisfactorily complete her probation.

The employer gave the claimant the option of working for another 30 days so she could find other employment. The employer told the claimant it was her decision if she wanted to work another 30 to 45 days or end her employment as February 3. The claimant decided she would not work after February 3, 2012. The claimant established a claim for benefits during the week of February 5, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a.

When a claimant voluntarily quits in advance of an announced scheduled layoff, she is not eligible to receive benefits from the last day worked to the date of the scheduled layoff. Benefits shall not be denied as of the effective date of the scheduled layoff. 871 IAC 24.25(40). Even though the claimant was discharged and not on a layoff from work, the claimant's situation is analogous to the regulation. The employer informed her she could work until March 3 if she wanted to, but the employer would not to allow her to work any longer. Instead of working until March 3, the claimant decided she would not return to work after February 3, 2012. For unemployment insurance purposes, the claimant quit for reasons that do not qualify her to receive benefits from February 5 through March 3, 2012. As of March 4, 2012, the claimant is qualified to receive benefits.

**DECISION:**

The representative's March 28, 2012 determination (reference 01) is affirmed. The claimant is not eligible to receive benefits from February 5 through March 3, 2012, because she had the option to work until March 3, 2012, and did not. As of March 4, 2012, the claimant is qualified to receive benefits because the employer discharged for unsatisfactory work performance. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css