

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER G JOHANNES
Claimant

APPEAL NO. 12A-UI-03124-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD SAMARITAN SOCIETY INC
Employer

**OC: 01/29/12
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Good Samaritan Society, Inc. filed a timely appeal from an unemployment insurance decision dated March 19, 2012, reference 01, that allowed benefits to Jennifer G. Johannes. After due notice was issued, a hearing was held in Ottumwa, Iowa, on June 20, 2012, with Ms. Johannes participating and presenting additional testimony by Tracey Kreiss. Exhibit A was admitted into evidence on her behalf. Director of Nursing Miriam Johnson participated for the employer. Employer Exhibit 1 was admitted into evidence. The administrative law judge excluded one page of Employer Exhibit 1 because it was not signed and because the witness could not identify the originator of the document.

ISSUE:

Did the claimant voluntarily leave employment or was the claimant laid off?

FINDINGS OF FACT:

Jennifer G. Johannes was hired by Good Samaritan Society, Inc. on December 2, 2009. Her last day of work was February 3, 2012. Her last job title was therapy director.

In early January 2012, the employer announced to Ms. Johannes that her job as therapy director would end on February 3, 2012. The position would be eliminated. There was informal discussion as to whether Ms. Johannes would continue employment in some other capacity. The employer indicated that if Ms. Johannes were to be selected for one of the new positions, her pay would remain the same. No specific job description or proposal was given to Ms. Johannes prior to the end of her last day, February 3, 2012. The employer has not made a formal offer of work to Ms. Johannes since then.

On February 2, 2012, Ms. Johannes signed and received a copy of an employee information/change notice form. As presented to her, the document indicated the separation was for a lack of work because the position was closed. Subsequently, the employer altered the document to indicate that the separation was a resignation without notice. The alteration was not signed. It was initialed, using the same initials as the administrator of the facility at which Ms. Johannes worked.

REASONING AND CONCLUSIONS OF LAW:

An individual may be disqualified for benefits following a separation from employment if the individual voluntarily quits without good cause attributable to the employer or was discharged for misconduct in connection with the employment. The fact-finding decision characterized the separation as a layoff for lack of work. The employer argued, but has not proven, that Ms. Johannes voluntarily initiated the separation.

The evidence establishes that the employer advised Ms. Johannes 30 days in advance that her job would end. The evidence establishes that the job ended without a formal indication by the employer that specific further work was, in fact, available. As noted above, the evidence establishes that the employer altered the separation document after giving a copy to Ms. Johannes.

No disqualification may be imposed based upon the evidence in this record.

DECISION:

The unemployment insurance decision dated March 19, 2012, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw