

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BECKY L BOAN**  
Claimant

**APPEAL NO: 08A-UI-03480-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CHRISTIAN OPPORTUNITY CENTER**  
Employer

**OC: 06/03/07 R: 02  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Beck L. Boan (claimant) appealed a representative's April 7, 2008 decision (reference 04) that concluded she was not qualified to receive benefits, and the account of Christian Opportunity Center (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 23, 2008. The claimant participated in the hearing. Angela Smith, the human resource director, appeared on the employer's behalf. 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 qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on October 18, 2007. The employer hired the claimant to work as a full-time living skills advisor. At the time of hire, the employer informed the claimant she had to satisfactorily complete an orientation period. In early February 2008, the claimant was ill and absent from work about two weeks.

On February 20, 2008, the claimant's supervisor met with the claimant and extended her orientation to April 1, 2008. The employer talked to the claimant about ten general conditions she must meet to satisfy her orientation period. The claimant disagreed with a couple of the general conditions the employer talked about and how she needed to make some improvements. When the supervisor talked to the claimant on February 20, the claimant did not feel well. The claimant went to the emergency room on February 20.

The claimant saw her personal physician on February 22. The claimant's personal physician prescribed some medication for gastrointestinal problems the claimant was experiencing. The medication made the claimant feel worse. On February 24, the claimant contacted her supervisor to report she was ill and unable to work. The claimant's supervisor told the claimant

she needed to be at work by Wednesday, February 26. The claimant believed she would not be well enough to work in two days and thought it would take her one to two weeks to be well enough to return to work.

After the claimant's supervisor told her she needed to be at work by February 26, the claimant submitted her resignation. The claimant's resignation indicated she was resigning because she was ill. The claimant also resigned because the employer extended her orientation to April 1 and told the claimant what improvements she needed to make during a February 20, 2008 meeting. The claimant decided she would not be able to satisfy the employer's requirements as of April 1, 2008.

#### **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. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when she quits after the employer has reprimanded her. 871 IAC 24.25(28). The law also presumes a claimant quits because she would rather leave than perform her assigned work as instructed. 871 IAC 24.25(27). On February 20, the employer talked to the claimant about how she needed to make some improvements and gave her a deadline of April 1 to make these improvements. When the claimant initially testified she asserted she quit because her supervisor gave her ten areas in which she needed to improve by April 1, 2008. Although the claimant asserted her supervisor gave her new work duties, the evidence does not support the claimant's assertion. Additionally, when the claimant talked about the February 20 conditions she could not remember specifics. When the employer went through each of the ten items the claimant's supervisor talked to the claimant about on February 20, the claimant agreed that most of the conditions were reasonable. A few points the claimant did not agree with because she believed she was already doing what the employer wanted her to do. If the claimant quit because the employer extended her orientation until April 1 and told her what areas she needed to improve, the claimant quit for reasons that do not qualify her to receive benefits.

The law also presumes a claimant quits for reasons that qualify her when she leaves employment because continued employment would be hazardous to her health. However, to be eligible under this regulation, the claimant must present competent medical evidence that continued employment would be hazardous to her health and that before she quits she told the employer about her medical condition and what accommodations she needed to continue her employment. 871 IAC 24.26(6)(b). The claimant's mere assertion that she was ill and unable to work does not satisfy the requirements of this regulation. The claimant's personal physician did not restrict the claimant from working. The claimant's physician only gave the claimant prescription medication in an attempt to resolve her gastrointestinal problems. The claimant did not satisfy the requirements of 871 IAC 24.26(6)(b).

The claimant established compelling personal reasons for quitting. These reasons do not, however, qualify her to receive benefits. As of February 24, 2008, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's April 7, 2008 decision (reference 04) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 24, 2008. 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

dlw/css