

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SONYA L ERVIN
Claimant

PELLA CORPORATION
Employer

APPEAL 20A-UI-00009-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/01/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Sonya Ervin (claimant) appealed a representative's December 16, 2019, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Pella Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 23, 2020. The claimant participated personally. The employer participated by Shayna Bruce, Human Resources Representative, and William Day, Senior Department Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 5, 2004, and at the end of her employment she was working as a full-time production coordinator. The claimant complained about her supervisor. The employer's performed an investigation and found no wrong doing.

On October 31, 2019, the claimant and the supervisor were talking during work time. The supervisor asked the claimant if something was wrong. The claimant told the supervisor all the things she did not like about her and her management style and decisions. Voices were raised in front of the line workers and the supervisor left to notify the senior department manager.

The claimant met with the senior department manager. He told the claimant that her behavior would be reported to human resources. The human resources would determine whether a corrective action would be issued. The corrective action, if issued, would remain in the claimant's file for one year. The claimant said she did not want the letter on her record. She turned in her name badge, said, "I quit", and walked out.

On November 4, 2019, the claimant emailed the employer about returning to her job. The employer spoke with her on the telephone on November 4, 2019. It offered her a new position starting November 5, 2019, with the understanding that she would receive a corrective action

letter. An investigation was conducted and a reprimand was issued for “yelling on the line”. The claimant accepted the new position. On November 5, 2019, the claimant sent a resignation letter indicating she did not wish to work for the employer. The claimant quit work due to the reprimand. Continued work was available for the claimant had she not quit work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.
- 2.

Iowa Admin. Code r. 871-24.25(28) provides:

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:

- (28) The claimant left after being reprimanded.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work. When an employee quits work after having been reprimanded, her leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's December 16, 2019, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn