

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHYANNE G CLARK
Claimant

RUAN TRANSPORT CORP
Employer

APPEAL 15A-UI-05926-EC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/15
Claimant: Appellant (2)

Iowa Code §96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.26(21) – Quit or be fired

STATEMENT OF THE CASE:

The claimant/appellant, Shyanne Clark, filed an appeal from the May 18, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 22, 2015. The claimant participated. The employer, Ruan Transport Corp, did not participate.

ISSUE:

Was the separation from employment a voluntary quit with or without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a project manager from approximately March 23, 2014, until this employment ended on May 1, 2015. She was given the choice to quit or be fired. On or about April 28, 2015, her manager told her that she was not a good fit for Ruan and asked her to leave her employment. She was allowed to resign, effective immediately, instead of undergoing a performance improvement plan or termination. Faced with this choice, she submitted her resignation, which became effective on May 1, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(21) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(21) The claimant was compelled to resign when given the choice of resigning or being discharged. This shall not be considered a voluntary leaving.

The employer gave the claimant the choice of resigning or being discharged. She was compelled to resign when faced with this choice. These circumstances gave rise to a good cause reason for leaving the employment. Benefits are allowed.

DECISION:

The May 18, 2015, (reference 01) unemployment insurance decision is reversed. The claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible. The benefits withheld shall be paid.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

ec/pjs