

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISBETH A RILEY
Claimant

APPEAL NO: 10A-UI-13297-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DILLARD'S INC
Employer

**OC: 07/25/10
Claimant: Appellant (1)**

Section 96.5-1- Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 21, 2010 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Lee Coblentz, an assistant manager, 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 voluntarily quit her employment and is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in August 2007 as a full-time sales associate. Prior to June 30, 2010, the claimant's job was not in jeopardy. On June 30, the employer talked to the claimant and reprimanded her about a confrontation she had with a co-worker. The employer told the claimant that upper management suggested that both the claimant and the co-worker should be discharged. The claimant's store managers, however, did not plan to discharge the claimant. The store manager talked to the claimant about options so this situation would not occur again. While the employer talked to the claimant on June 30, she gave the employer her resignation. The claimant indicated July 14 would be her last day of work.

After the employer talked to the claimant, they talked to the other employee involved in the confrontation. On July 2, after learning this co-worker resigned, the claimant asked the employer to rescind her resignation because she wanted to continue her employment. The employer did not allow the claimant to rescind her resignation. The claimant worked until the effective of her resignation, July 14, 2010.

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 sections 96.5-1, 2-a. The evidence establishes that while the employer may have reprimanded the claimant for engaging in a confrontation, the employer had no plans to discharge or ask for the claimant's resignation on June 30, 2010. Options concerning the claimant's employment and continued employment were discussed, but the employer did not request the claimant's resignation. During the reprimand discussion, the claimant resigned and told the employer her last day of work would be July 14, 2010. On June 30, the claimant voluntarily quit her employment or resigned. The employer accepted her resignation. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily leaves employment without good cause when she quits after receiving a reprimand. 871 IAC 24.25(28). After the claimant learned the other employee quit, she attempted to rescind her resignation on July 2. An employer has no legal obligation to allow a claimant to rescind a resignation. The employer did not allow the claimant to rescind her resignation and the claimant's last day of work was July 14 as she previously informed the employer. The claimant's assertion the employer discharged her after she asked the employer to rescind her resignation is without merit. Since the employer had already accepted her resignation, the employer did not discharge the claimant when the employer did not accept her attempt to rescind or take back her June 30 resignation.

On June 30, the claimant had compelling personal reasons for resigning. Her reasons do not, however, qualify her to receive benefits. As of July 25, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's September 21, 2010 determination (reference 01) is affirmed. The claimant voluntarily quit her employment on June 30, when she gave the employer her two-week notice. The claimant may have had compelling reasons for quitting on June 30, but her reasons do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 25, 2010. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs