

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER M BAILEY-COEN
Claimant

APPEAL 17A-UI-02434-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA PLASTIC SURGERY PC
Employer

**OC: 02/05/17
Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The employer filed an appeal from the February 24, 2017, (reference 01) unemployment insurance decision that allowed benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on March 28, 2017. Claimant did not respond to the hearing notice instruction and did not participate. Employer participated through physician Benjamin VanRaalte, M.D. and office manager Amy Sadd. Employer's Exhibit 1 was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time patient coordinator through January 1, 2017. Then she opted to reduce her hours and position to part-time receptionist so she could attend school and because she did not like working with patients. She quit on February 7, 2017, after working on Monday, February 6. On that date there was an issue with the office music and transferred a call from a Sirius representative to VanRaalte. He discovered that the issue was with a different provider Sonos and called claimant to let her know about the correction as he was concerned about her lack of attention to detail. Claimant took this and other job duty corrections and feedback as "hostile." Sadd was in the area but did not hear the phone conversation from either end. Sadd had never observed VanRaalte "yelling" at or "berating" claimant. Claimant never told VanRaalte how she perceived the verbal corrections and reprimands.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 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. 871-24.25 provides, in pertinent part:

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.

While the employer has the burden to establish the separation was a voluntary quitting of employment rather than a discharge, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

The claimant's decision to quit after being informally corrected and reprimanded was not for a good cause reason attributable to the employer. Claimant is not monetarily eligible for a part-time quit resolution pursuant to Iowa Admin. Code r. 871-24.27 since the wages in the base period were based upon full-time employment.

DECISION:

The February 24, 2017, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. Since no benefits were paid for weeks claimed, no overpayment is established.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

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