

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**SUSAN M KNEPPER
913 – 8TH AVE SE
CASCADE IA 52033-9578**

**NORTHEAST IOWA COMMUNITY
COLLEGE
PO BOX 400
CALMAR IA 52132-0400**

**Appeal Number: 06A-UI-04564-RT
OC: 04/02/06 R: 04
Claimant: Appellant (4)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant, Susan M. Knepper, filed a timely appeal from an unemployment insurance decision dated April 25, 2006, reference 01, denying unemployment insurance benefits to her. After due notice was issued, a telephone hearing was held on May 15, 2006, with the claimant participating. Julie G. Huiskamp, Director of Human Resources, and Shelia R. Becker, Academic Advisor, participated in the hearing for the employer, Northeast Iowa Community College. Employer's Exhibit One was admitted into evidence. The administrative law judge takes official notice of Iowa Workforce Development Department unemployment insurance records for the claimant.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, including Employer's Exhibit One, the administrative law judge finds: The claimant was employed by the employer as a full-time temporary data tellfill person and student services secretary, from July 25, 2005, until she voluntarily quit effective March 24, 2006. The claimant was a temporary worker and her employment was to end on June 30, 2006. Initially the employment was to end on December 31, 2005 but it was extended with the claimant's approval to June 30, 2006. The claimant's position was not to be extended after June 30, 2006.

The claimant quit because she was given a verbal "reprimand" of some sort for stating to a co-worker that she was looking for work to do and asked the co-worker to get catalogs for her so that the claimant could make changes in the catalogs which contained an error. The co-worker then asked the claimant if the claimant was aware that staff was being cut. The claimant said that she was not but that since she did not have anything to do her job would probably be one of the first ones cut. The staff person with whom the claimant was speaking reported this to the employer's president and that same day the claimant was given some kind of verbal "reprimand" for making statements about workload outside the office. This verbal "reprimand" was not even a formal reprimand per the employer's disciplinary process but was merely informing the claimant that she should not make such statements about her workload outside the office. However, the claimant took offense that her statement had been reported to the president and resigned both orally on March 24, 2006 to Shelia R. Becker, Academic Advisor, and in writing as shown at Employer's Exhibit One, at Ms. Becker's request.

REASONING AND CONCLUSIONS OF LAW:

The question presented by this appeal is whether the claimant's separation from employment was a disqualifying event. It was through June 30, 2006.

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.

871 IAC 24.25(6)(28)(40) 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:

- (6) The claimant left as a result of an inability to work with other employees.
- (28) The claimant left after being reprimanded.

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

The parties agree, and the administrative law judge concludes, that the claimant voluntarily left her employment effective March 24, 2006. The parties also agree, and the administrative law judge concludes, that the claimant's position was temporary and was to end on June 30, 2006. The issue then becomes whether the claimant left her employment without good cause attributable to the employer. The administrative law judge concludes that the claimant has failed to meet her burden of proof to demonstrate by a preponderance of the evidence that she has left her employment with the employer herein with good cause attributable to the employer. The claimant testified that she left her employment because she was "reprimanded" for telling a co-worker that she was looking for work to do and asking the co-worker to get catalogs that the claimant could revise and telling the co-worker that since she did not have anything to do that her job would probably be one of the first ones cut. The claimant's "reprimand" was not in a formal verbal warning pursuant to the employer's disciplinary process. The co-worker with whom the claimant was speaking reported the claimant's statements to the president of the employer and the claimant was then given the verbal "reprimand." At no time was the claimant ever informed that she was discharged or would be discharged. The claimant was merely told that workload should not be discussed outside the office. Leaving work voluntarily because one is reprimanded is not good cause attributable to the employer. The claimant seemed to indicate that she also quit because a co-worker had reported these statements to the president of the employer. The claimant seemed upset about that. The administrative law judge does not believe that the report of the claimant's comments to the president establishes that the claimant's working conditions were unsafe, unlawful, intolerable or detrimental. There is also no evidence that the claimant was subjected to a substantial change in her contract of hire. There was some evidence that the claimant did not believe that she could continue to work with the co-worker but leaving work voluntarily as a result of an inability to work with other employees is not good cause attributable to the employer. The claimant did express some concerns about the "reprimand" before she quit. Accordingly, the administrative law judge concludes that the claimant left her employment voluntarily without good cause attributable to the employer and, as a consequence, she is disqualified to receive unemployment insurance benefits.

The evidence also establishes that the claimant was a temporary employee whose employment was to end on June 30, 2006. When a claimant voluntarily quits in advance of an announced scheduled layoff, the disqualification period would be from the last day worked to the date of the scheduled layoff and that benefits shall not be denied from the effective date of the scheduled layoff. The administrative law judge believes that that provision is applicable here. Accordingly, the administrative law judge concludes that the claimant is disqualified to receive unemployment insurance benefits to and including June 30, 2006. Thereafter, the claimant is not disqualified to receive unemployment insurance benefits. Unemployment insurance benefits are denied to the claimant through June 30, 2006, until, or unless, she requalifies for such benefits. Benefits are allowed to the claimant beginning July 1, 2006, provided she is otherwise eligible.

DECISION:

The representative's decision of April 25, 2006, reference 01, is modified. The claimant, Susan M. Knepper, is not entitled to receive unemployment insurance benefits through and including June 30, 2006, until, or unless, she requalifies for such benefits, because she left her employment voluntarily without good cause attributable to the employer. However, since the claimant's employment was temporary and to end on June 30, 2006, the claimant is not disqualified to receive unemployment insurance benefits beginning July 1, 2006 and continuing thereafter, provided she is otherwise eligible.

cs/pjs