

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIFFANY A FRANKE
Claimant

APPEAL NO: 10A-UI-08851-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BIOLIFE PLASMA LLC
Employer

OC: 05/16/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's June 11, 2010 decision (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. A telephone hearing was held on August 6, 2010. The claimant participated in the hearing. Sheila Stachura and Ernie Schmidt appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on November 17, 2008. The claimant worked as a full-time master plasma technician.

The claimant submitted paperwork for intermittent FMLA on May 5, 2010. The claimant's physician required her to pay \$25.00 to complete the paperwork. The claimant received approval for a year to take intermittent FMLA for the medical condition noted on the paperwork. The approval letter came from Tim Rinehart, a human resource representative. Schmidt, the center manager who works at the same location as the claimant, had no knowledge about her FMLA status.

The claimant was absent for bronchitis in early May. Since bronchitis was not covered under the claimant's approved FMLA, the employer asked her to submit more paperwork. When Rinehart sent additional paperwork, it was the same paperwork for the same medical condition the claimant had already submitted and had been approved for. The claimant tried to contact Rinehart to find why he asked her to submit the same thing again. He did not respond to her phone calls.

On May 11, the employer gave the claimant a performance improvement plan. During an earlier sexual harassment investigation concerning another employee, some co-workers complained about the claimant being bossy at work and not completing her work efficiently. The claimant was off work until May 15. On May 17, Schmidt let the claimant know her performance plan would be adjusted after her absence so she had 30 days to improve her performance. They decided to meet weekly to discuss her improvement.

On May 18, Schmidt talked to the claimant about completing the additional paperwork she received from Rinehart. The claimant understood Rinehart contacted Schmidt about the paperwork. After the claimant showed Schmidt the letter approving her FMLA, they tried to contact Rinehart but only got his voice mail.

On May 20, the claimant met with Schmidt to discuss her progress with her performance improvement plan. The claimant became very frustrated in this meeting after Schmidt reported that no improvement had been noticed by the employer. The claimant concluded the employer was attacking her performance because she had not submitted additional paperwork for her bronchitis-related absence. After the claimant learned the employer had not seen any improvement, she got up and walked out. She did not return to work.

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. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits without good cause when she leaves after being reprimanded. 871 IAC 24.25(28). The law also presumes a claimant voluntarily quits employment with good cause if she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4).

Although the claimant was frustrated when she was asked to submit additional paperwork for FMLA, there was a reasonable explanation for this request - the FMLA was approved for a serious medical condition that was not connected with bronchitis. The employer's human resource manager's failure to send the claimant paperwork that was designated for bronchitis or to explain why the employer requested more paperwork added to the claimant's confusion and frustration. The claimant's frustration was compounded by the human resource manager's failure to respond to her phone calls. Although the claimant was frustrated when the employer asked her to complete more paperwork, the request was not unreasonable.

Since the employer placed the claimant on a performance improvement plan before the second request for paperwork was requested, the evidence does not establish that the performance improve plan was implemented because the claimant was not willing to submit additional FMLA paperwork. Ultimately, the claimant quit because the employer told her on May 20 the employer noticed no improvement in her performance. The claimant felt the employer was not justified in criticizing her performance when a few months earlier she had received a satisfactory performance evaluation. The claimant quit on May 20 because she was frustrated and did not agree with the employer's assessment of her performance. The claimant quit for personal reasons that do not qualify her to receive benefits. As of May 16, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's June 11, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 16, 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/css