

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**JENNIFER L SCHULTZ**  
Claimant

**APPEAL NO. 19A-UI-03502-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MEDIACOM COMMUNICATIONS**  
Employer

**OC: 04/07/19**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Jennifer Schultz (claimant) appealed a representative's April 23, 2019, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Mediacom Communications (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 16, 2019. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on September 6, 2017, as a full-time supervisor in revenue asset recovery department. The employer did not issue the claimant any warnings during her employment. She had some personal issues that caused her to cry in the hallways at work. The claimant confided in her supervisor about those matters.

On March 31, 2019, the claimant had a car accident and was in the hospital from March 31 to April 5, 2019. She would be unable to work for two to three weeks after her discharge. Her supervisor e-mailed the claimant Family Medical Leave (FMLA) documents. The claimant took the documents to her physician to complete.

On April 5, 2019, the claimant had a telephone conversation with her supervisor. The supervisor said that someone in the human resources department thought it was best if the claimant resigned and reapplied when she was more stable. Then, she would be better qualified to serve her direct reports. The supervisor did not mention anything about terminating

the claimant during that conversation or during the claimant's employment. The claimant thought the supervisor might terminate her and she should quit before this happened.

On April 8, 2019, before the FMLA documents had been completed, the claimant sent her supervisor an email stating, "I have officially decided to resign my position at Mediacom effective today after my conversation with my direct supervisor, Denise Farley, on April 5, 2019. I appreciate everything you have done for me".

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(33) 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:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. When an employee quits work because she believes her performance is not to the satisfaction of the employer and the employer has not requested she to leave, her leaving is without good cause attributable to the employer. The claimant left work because she thought her supervisor was telling her she would be terminated even though the employer did not request her to leave. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's April 23, 2019, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/rvs