

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE M SPILLMAN
Claimant

TRINITY REGIONAL MEDICAL CENTER
Employer

APPEAL 17A-UI-03789-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/12/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(22) – Quit Due to Personality Conflict with Supervisor
Iowa Admin. Code r. 871-24.25(28) – Quit After Being Reprimanded

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 31, 2017 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit after being reprimanded. The parties were properly notified of the hearing. A telephone hearing was held on May 1, 2017. The claimant, Julie M. Spillman, participated. The employer, Trinity Regional Medical Center, participated through Ted Vaughn, Manager of Human Resources; Linda Cheshier, Manager of Surgical Services; and Christina Fuchsen, Surgical Services Informatics/Educator.

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 full time, most recently as a surgery support tech, from February 11, 1980, until March 16, 2017, when she quit effective immediately. Claimant was assigned to complete a project by March 17, 2017. Claimant testified that there was one nurse, Allison, who was assigned to work as the preceptor on this project. Claimant maintains that she had completed her portion of the project, but she had difficulty meeting with Allison and getting her to sign off on the work.

On March 16, Cheshier and Fuchsen called claimant into the office to ask why she had not completed her project. Claimant explained her difficulty, and Cheshier and Fuchsen replied that if she had asked for help, she would have received help. Claimant testified that she felt humiliated and degraded in this meeting, and she felt that she had no choice but to quit her employment. Continued work was available for claimant, and she was not going to be fired if she did not quit that day. Claimant also testified that she had a negative interaction with Fuchsen prior to this, in which Fuchsen implied that claimant was not intelligent.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code §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:

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 ... 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.

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). Here, claimant quit her employment after being called into the office to discuss an incomplete project. The average person in claimant's situation would not have felt compelled to quit her employment. 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). Claimant's decision to end her employment was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The March 31, 2017 (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed