

**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 R PURCELL-VARNELL
1208 SCOTT AVE
WATERLOO IA 50701**

**EXCEPTIONAL PERSONS INC
PO BOX 4090
WATERLOO IA 50704-4090**

**Appeal Number: 05A-UI-11662-CT
OC: 10/02/05 R: 03
Claimant: Appellant (1)**

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 Quit

STATEMENT OF THE CASE:

Susan Purcell-Varnell filed an appeal from a representative's decision dated November 3, 2005, reference 01, which denied benefits based on her separation from Exceptional Persons, Inc. After due notice was issued, a hearing was held by telephone on December 9, 2005. Ms. Purcell-Varnell participated personally. The employer participated by Sandy Giordana, Human Resources Director; Bob Peck, Program Manager; Sandra Rood, Site Coordinator; and Patricia Crawford, Program Director.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Purcell-Varnell began working for Exceptional

Persons, Inc. on October 12, 2004, as full-time support staff. Prior to July 27, 2005, the employer heard from other employees that Ms. Purcell-Varnell might have plans to quit. The employer met with her on July 27 and asked if she was intending on quitting. She was asked if she planned on working the following Monday. Ms. Purcell-Varnell indicated that she would give notice if she decided to quit. She also indicated that her doctor wanted her to work third shift. Her resignation was not requested, but she was given the necessary form to complete and was told that, if she decided to quit, the notice period would be waived. Ms. Purcell-Varnell submitted her resignation the following day. Continued work would have been available if she had not quit as the employer had not made any plans to discharge her.

During the meeting of July 27, the employer also addressed other allegations made by coworkers. One of the allegations was that Ms. Purcell-Varnell had threatened to "trash" the home where she worked. The other allegation concerned her response to a meeting with Patricia Crawford on July 21. Others reported that Ms. Purcell-Varnell had stated she was never so close to hitting someone as when she met with Ms. Crawford. Ms. Purcell-Varnell denied both allegations. During the meeting of July 27, the employer also reviewed a memo concerning Ms. Purcell-Varnell's meeting with Ms. Crawford on July 21. The meeting of July 21 was to address concerns the employer had with her performance.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Purcell-Varnell was separated from employment for any disqualifying reason. The administrative law judge concludes from all of the evidence that her resignation was not requested by the employer. The employer asked if she was quitting only because of rumors that she was quitting. The final decision as to whether she was, in fact, quitting was up to Ms. Purcell-Varnell. For the above reasons, the administrative law judge concludes that the separation was a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

The evidence of record does not establish any good cause attributable to the employer for Ms. Purcell-Varnell's quit. It appears that the decision to quit was prompted by the meeting of July 27 in which the employer was reviewing performance issues that had been the subject of the meeting with Ms. Crawford on July 21. It was not unreasonable for the employer to bring performance issues to Ms. Purcell-Varnell's attention so that she would have an opportunity to correct them. The fact that the employer did so did not constitute good cause attributable to the employer for quitting. Inasmuch as good cause attributable to the employer has not been established, benefits are denied.

DECISION:

The representative's decision dated November 3, 2005, reference 01, is hereby affirmed. Ms. Purcell-Varnell voluntarily quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjw