

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MAYLA K DAVIDSON
Claimant

APPEAL NO. 07A-UI-04038-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OTTUMWA DEVELOPMENTS INC
OTTUMWA MANOR
Employer

OC: 03/18/07 R: 03
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Mayla Davidson, filed an appeal from a decision dated April 9, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 7, 2007. The claimant participated on her own behalf. The employer, Ottumwa Manor, participated by Director of Nursing Paula Thomas and Medical Secretary Mary Goodman.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Mayla Davidson was employed by Ottumwa Manor from May 11, 2005 until March 23, 2007, as a full-time certified nursing assistant. On March 23, 2007, she came to the facility to pick up her check from Medical Secretary Mary Goodman, and also requested a resignation form. After she had filled out the form she requested to see the schedule which Ms. Goodman was preparing. Her name was not on the schedule and Ms. Goodman told her she could not be put back on the schedule until she had talked with Administrator Ellen Jo Boerman because the claimant had been no-call/no-show to work on March 21, 2007, and had been late to work several times before that.

Rather than speak with the administrator the claimant submitted her resignation and stated, "I guess I didn't need to fill this out."

The administrator intended to have the claimant put back on the schedule after meeting with her about her attendance. However, Ms. Davidson wanted to quit because of a personal problem she was having with the administrative assistant which arose out of their social relationship outside of work.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant was not in danger of being discharged, only counseled about her attendance problems. Her decision to quit was based on problems she was having with another employee outside of work. This does not constitute good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The representative's decision of April 9, 2007, reference 01, is affirmed. Mayla Davidson is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css