

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MONICA D HUNT DAVIS

Claimant

APPEAL NO. 11A-UI-14522-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT COMMUNITY SCHOOL DIST

Employer

OC: 09/11/11

Claimant: Appellant (1)

Section 96.5(1)c – Quit/Family Medical

STATEMENT OF THE CASE:

The claimant, Monica Hunt Davis, filed an appeal from a decision dated October 28, 2011, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 6, 2011. The claimant participated on her own behalf. The employer, Davenport Community School District (DCSD), participated by Director of Human Resources Jenni Weipert. Exhibit A was admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Monica Davis was employed by DCSD from November 9, 2009 until June 30, 2011 as a part-time family involvement liaison. On May 25, 2011, she submitted a resignation stating her last day of work would be June 30, 2011. The only reason she stated was that she was moving to Tennessee to care for a family member who was ill.

The claimant had been placed on a performance improvement plan (PIP) April 11, 2011 and would normally have had 90 days to show improvement under that plan. Ms. Davis went on a leave of absence April 19, and returned to work May 16, 2011. Nine days later she submitted a written resignation stating her last day of work would be June 30, 2011, because she was relocating to Tennessee to care for family members.

Ms. Davis returned to the Davenport, Iowa, area on August 14, 2011, and more than a month later she contacted the DCSD human resources office to ask if she could have her job back. Associate Director of Human Resources Audrey Strothkamp informed her she could not be rehired because she was ineligible due to the fact she had been on probation at the time she resigned.

The claimant maintained she was under a lot of stress due to the work environment. She gave many examples but all appear to have been a perception on her part of "obstruction" by the principal. She admitted, however, no one ever forbid her from performing her job duties, disciplined her for not following the principal's suggestions or was required to reveal any

information she was ethically obliged to keep confidential. She felt the principal was being unreasonable when the claimant was forbidden to use school funds to purchase food for social events involving the parents.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-c 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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

The record establishes the claimant quit in order to move out of state to care for her family members. While she did return and ask for her job back, she was ineligible, not because the employer did not have a job for her but because her PIP had not been successfully completed before her last day of work. She would have had time to show the necessary improvement before her last day of work.

Ms. Davis admitted she would not have quit, in spite of the alleged "hostile work environment" if she had not decided to relocate to care for family members. This tells the administrative law judge the environment was not that hostile but consisted mainly of disagreements with the principal. She was offered the opportunity to relocate to another school in April 2011 but did not take that option before deciding to quit.

The employer's decision not to rehire her was solely due to a performance issue and the not the unavailability of a job opening. The claimant quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of October 28, 2011, reference 03, is affirmed. Monica Hunt Davis is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css