

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LINDA K HORAN
Claimant

P A J A INC
Employer

APPEAL 15A-UI-04933-EC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/15
Claimant: Appellant (1)

Iowa Code §96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.25(37) – Voluntary Resignation

STATEMENT OF THE CASE:

The claimant/appellant, Linda Horan, filed an appeal from the April 16, 2015, (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting or resigning from her employment. The parties were properly notified about the hearing. A telephone hearing was held on May 21, 2015. The claimant participated. The employer, Scott Printing and Design, participated through Monica Gilmore. The owner of the employing business, Leonard Koopmann, was not available at the telephone number the employer provided at the time of the hearing, despite two attempts to reach him. Ms. Gilmore agreed to serve as the employer's only representative for this hearing.

The employer submitted documents which were admitted into the record without objection. These documents were labeled as Exhibits E1-E7. The claimant acknowledged receipt of these documents.

ISSUE:

Was the separation from employment a voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time at this commercial printing company as a machine operator, bindery, press, and production manager, from December 26, 2012, and was separated from employment on March 27, 2015, when she gave her two-week notice to Monica Gilmore. The claimant and Ms. Gilmore signed a "resignation acknowledgement" on March 27, 2015. (Exhibit E1; Horan testimony; Gilmore testimony) The claimant did not provide a reason for her resignation at that time. (Horan testimony)

Ms. Gilmore immediately reported the claimant's resignation to the business owner, Leonard Koopmann, who instructed her to tell the claimant that this day, March 27, 2015, would be her last day of work for this employer. (Gilmore testimony) The claimant agreed that March 27, 2015 was the last day she worked for this employer. (Horan testimony)

Leonard and Jodi Koopmann owned the printing business. Prior to December of 2014, they were present at the office on a daily basis. They moved to Missouri in December of 2014, and left Monica Gilmore, the graphic design manager, in charge of overseeing the business and dealing with day-to-day personnel matters. (Gilmore testimony)

The claimant made the decision to end her employment with this printing business. (Horan testimony) During the hearing, she provided several reasons for her resignation, including "verbal abuse, hostile demeanor, demeanment, and constant scrutiny" from Monica Gilmore. (Horan testimony) At the time she resigned, she either stated that she "couldn't take it anymore" or did not give any reason for her action. (Gilmore testimony; Horan testimony) The claimant had been suspended, twice in that same month, for insubordination. (Exhibits E3-E5; Gilmore testimony) The five-day suspension began on March 16 and ended on March 20. The three-day suspension began on March 23 and ended on March 25. The claimant submitted her resignation on March 27. According to the employer, the claimant would not have been fired, despite these suspensions, if she had not quit her job. (Gilmore testimony)

REASONING AND CONCLUSIONS OF LAW:

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

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(37) 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:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

In this appeal from the initial decision denying her application for unemployment insurance benefits, the claimant bears the burden to prove that her action of voluntarily quitting or resigning her employment was for a good cause attributable to the employer. Iowa Code § 96.6(2).

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).

This claimant clearly communicated her intention to terminate the employment relationship when she told her employer that she was giving her two-week notice, and when she signed the resignation acknowledgement form, formally resigning her employment. Iowa Admin. Code r. 871-24.25(37).

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The April 16, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Emily Gould Chafa
Administrative Law Judge

Decision Dated and Mailed

ec/pjs