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

CONNIE J STRONG
615 W 5TH ST
MUSCATINE IA 52761-3211

THE UNIVERSITY OF IOWA
C/O DAVE BERGEON EMP REL
121 "R" UNIV SVC BLDG
IOWA CITY IA 52242

Appeal Number: 06A-UI-07474-JTT
OC: 02/05/06 R: 04
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:

Connie Strong filed a timely appeal from the July 1, 2006, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 10, 2006. Ms. Strong participated. Human Resources Representative Nancy Kroeze represented the employer. Claimant's Exhibits A through E were received into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Connie Strong was employed by the University of Iowa Hospitals and Clinics as a full-time Patient Account Representative from April 3, 2006 until June 19, 2006, when she quit due to perceived intolerable and/or detrimental working conditions. Approximately three weeks into her

employment, Ms. Strong was summoned to a meeting to discuss her training progress. Ms. Strong had received an unfavorable score on a test or survey of her ability to perform the work for which she was hired. In connection with the meeting to review her survey score, Ms. Strong's supervisor asked Ms. Strong to consider whether she wished to continue in the employment. After this, Ms. Strong's supervisor assigned a trainer to work with Ms. Strong. Ms. Strong was slow in mastering the employer's computer system and did not find the trainer's guidance especially helpful. Another employee provided Ms. Strong with assistance that Ms. Strong found more helpful. Ms. Strong began to feel as if she was mastering the work for which she had been hired. However, during the eighth or ninth week of employment, at the end of May, Ms. Strong's supervisor again assigned her to training. The trainer was not always available when Ms. Strong needed him. In the absence of the trainer, Ms. Strong sought assistance from the coworker who had previously helped her. When the trainer returned and did not find Ms. Strong at her workstation, the trainer asserted that Ms. Strong had taken an unauthorized break.

On June 16, Ms. Strong's supervisor summoned her to a meeting. The supervisor told Ms. Strong that she would need to spend an additional week in training and that she would need to make significant progress during the five-day period that would end June 23. Ms. Strong worked the rest of her shift, but considered that she did not know how to further demonstrate her ability to do the work. On June 19, Ms. Strong returned to work with the intention of meeting with her supervisor to further discuss her progress and get clarification on the changes she needed to make to be successful. Ms. Strong waited 15-20 minutes for her supervisor. When the supervisor did not appear, Ms. Strong left a note, thanking the supervisor for the employment opportunity. Ms. Strong left her employee identification badge with the note. Ms. Strong then left the workplace. That afternoon, a coworker contacted Ms. Strong to discuss her absence from the workplace. The coworker told Ms. Strong that the supervisor had sent a broadcast e-mail message advising the staff that Ms. Strong was no longer employed at the University of Iowa. Ms. Strong made no further contact with the employer.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Strong's voluntary quit was for good cause attributable to the employer. It does not.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service,

431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

On the other hand, where a claimant leaves employment because the employee felt her job performance was not to the satisfaction of the employer, but the employer has not requested the employee leave and continued work was available, the quit is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(33). In addition, a quit in response to a reprimand is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(28).

The greater weight of the evidence in the record indicates that Ms. Strong did in fact voluntarily quit the employment. The evidence indicates that Ms. Strong was struggling in the employment. The evidence indicates that Ms. Strong was not meeting the performance expectations of the employer. The evidence indicates that the employer had clarified the performance expectations and given some indication that failure to master the computer system and other job responsibilities could eventually lead to involuntary separation from the employment. Despite an early conversation about whether Ms. Strong was well suited to the employment, the employer had not indicated a request that Ms. Strong leave the employment. Despite the pressure Ms. Strong felt to master her job duties in a timely fashion, the evidence does not indicate intolerable and/or detrimental working conditions that would prompt a reasonable person to quit the employment. The administrative law judge concludes that Ms. Strong quit because she did not think she could meet the employer's expectations and did not want to face the prospect of being discharged at some future point if she was ultimately unable to meet the employer's expectations.

The evidence in the record indicates that Ms. Strong voluntarily quit was without good cause attributable to the employer. Ms. Strong is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Strong.

DECISION:

The Agency representative's July 1, 2006, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in a been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

jt/kjw