

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY M REYNOLDS

Claimant

APPEAL NO: 14A-UI-03646-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROADLAWNS MEDICAL CENTER

Employer

OC: 03/02/14

Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(37) – Resignation

STATEMENT OF THE CASE:

The employer appealed a department decision dated March 25, 2014, reference 01, that held claimant was not discharged for misconduct on March 2, 2014, and benefits are allowed. A telephone hearing was held on April 25, 2014. The claimant did not participate. Julie Kilgore, HR/VP, and Jeff Jarding, DON, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on December 9, 2013 and last worked for the employer as a full-time unit clerk on March 6, 2014. The claimant submitted a voluntary resignation to the employer on March 6 that was accepted.

The department issued a decision on April 7, 2014 reference 03 that held claimant was discharged for misconduct from Mercy on November 7, 2013 and benefits are denied. Claimant did not appeal this decision. She has received no benefits on her claim.

Claimant failed to respond to the hearing notice. There is no record on UI Appeals C2T control system claimant called in requesting to participate with a phone number to be called for the hearing.

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.

871 IAC 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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to the employer due to her resignation for personal reasons effective March 6, 2014.

The claimant is also ineligible for benefits by reason of the April 7, 2014 department decision. Since claimant has received no benefits on her claim there is no overpayment issue.

DECISION:

The department decision dated March 25, 2014, reference 01, is reversed. The claimant voluntarily quit without good cause due to resignation on March 6, 2014. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs