

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH C WIERSCHKE**  
Claimant

**APPEAL NO. 11A-UI-08672-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APAC CUSTOMER SERVICES OF IOWA**  
Employer

**OC: 05/29/11**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's June 21, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Rochelle Jordan, a human resource generalist, and Maggie Davidson, a team leader, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in January 2010. She worked full-time as a customer service representative. Davidson supervised her.

Toward the end of her employment, the employer had to implement many changes for Medicare claims. On April 26, Davidson gave the claimant a verbal warning for not following proper procedures. The employer told employees if they made three mistakes on Medicare cases, they could be discharged. The employer's progressive disciplinary policy informed employees they would receive a verbal warning, a written warning, and a final written warning before the employer would terminate employment.

Sometime in April 2010, the claimant could not talk because she had laryngitis and gave the employer a doctor's statement verifying she was unable to work. Since the claimant's work involved talking on the phone, the employer had her go home until she was released to work by her doctor. After the employer received information from the claimant's doctor that she could return to work, the employer had the claimant working again.

The last day the claimant worked was May 11. She called in sick on May 12, 13, 16 and 17. On May 18, the claimant's husband brought in the claimant's badge and told the receptionist that the claimant quit. The claimant did not give the employer any notice that she planned to quit. She did not tell the employer why she quit.

The claimant believed the employer wanted her to process Medicare claims without a doctor's signature. She reported this to the authorities before she quit.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant testified that if she had not received a verbal warning for making a Medicare mistake, she probably would not have quit. The claimant's assertion that her job was in jeopardy is not supported by the evidence. The employer's disciplinary policy requires the employer to give an employee a verbal warning, a written warning, and a final written warning before discharging an employee.

The claimant asserted she and other employees had been told to process Medicare claims without a physician's signature. The employer, however, testified that the employer did not ask or require employees to do anything illegally, because this would create problems for the employer. Even if the claimant reported an issue to the Attorney General's office she believed was illegal, the employer had no way of knowing who or when anyone made a complaint about the employer. If the claimant believed a supervisor requested her to do something illegal, it is difficult understand why the claimant did not bring this concern to management's attention. The claimant admitted Davidson did not tell her to do this. The claimant, however, could not remember the other supervisor's name who told the claimant to do this. The claimant's assertion that she quit in part because the employer asked her to do something illegal is not supported by the evidence.

The claimant quit her employment for personal reasons, but she did not establish that she quit for reasons that qualify her to receive benefits. The law presumes a claimant quits without good cause when she leaves after being reprimanded. 871 IAC 24.25(28). As of May 29, 2011, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's June 21, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 29, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw