

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVE GRGURICH
Claimant

APPEAL NO: 14A-UI-00268-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OPERATIONS UNITY INC
Employer

OC: 12/08/13
Claimant: Appellant (2)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Steve Grgurich (claimant) appealed an unemployment insurance decision dated December 31, 2013, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Operations Unity, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 30, 2014. The claimant participated in the hearing. The employer participated through David Clark, Area Manager; Kimberly Hellberg, Human Resources Delivery Partner; Tom Kuiper, Employer Representative.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time operations supervisor from November 12, 2012, through September 20, 2013, when he voluntarily resigned. He was given a six-month evaluation on May 13, 2013, and placed on a performance improvement plan that same day with a 90-day review on August 16, 2013. The claimant's supervisor testified that the claimant was failing his performance improvement plan and there was a good chance he was going to be terminated on the following week. The claimant did not want to be terminated so submitted his written resignation on that date with the request that he be allowed to work through September 20, 2013, so he could find another job.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit on September 20, 2013, because he was going to be fired. When an employee quits in lieu of discharge, it is an involuntary quit since the employee really had no choice in the matter. However, the rule specifically treats this type of a separation as a voluntary quit with good cause attributable to the employer. 871 IAC 24.26(21).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has satisfied that burden. Benefits are allowed.

DECISION:

The unemployment insurance decision dated December 31, 2013, reference 01, is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs