

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH WOODS

Claimant

APPEAL NO: 12A-UI-11672-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP

Employer

OC: 09/02/12

Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Deborah Woods (claimant) appealed an unemployment insurance decision dated September 19, 2012, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Per Mar Security & Research (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 October 24, 2012. The claimant participated in the hearing. The employer participated through Barb McGuire, human resources payroll specialist, and John Roderick, field supervisor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a security officer from January 1, 2011 through September 2, 2012. She became the lead officer at Cornell College and was the head of the campus safety office since July 2011. Officer Trevor Maddox, who was a new employee, complained to Mr. Roderick on September 1, 2012 that the claimant treated him unprofessionally. Mr. Roderick directed him to document the incident and he would pick it up on the following day. The claimant was not scheduled to work on September 2, 2012, but stopped in to the college to deliver a schedule. On September 2, 2012, Officer Maddox called Mr. Roderick again complaining about the claimant. The problem was that the claimant had created a new schedule without notice and Officer Maddox was now scheduled to work on September 3, 2012, but he already had vacation plans due to the holiday. The employer asked the officer to document the incident.

The dispatcher called Mr. Roderick and asked him to return a call to the claimant because she wanted to report an insubordinate officer. During this phone call, Officer Maddox entered the room where the claimant was located and the claimant spoke to him in a demeaning and authoritative tone and ordered him out of the room. Mr. Roderick advised the claimant her tone was unprofessional and he did direct her to reinstate the previous schedule until things could be reviewed. There were several interruptions and several return calls back and forth.

Subsequently, the claimant contacted dispatch and said she voluntarily resigned because she felt she was forced into a corner. At approximately 8:55 p.m., the dispatcher relayed this information by email to Field Supervisor John Roderick. He forwarded the information to the general manager and before he could contact the claimant, she called him. Human Resources Payroll Specialist Barb McGuire was present with Mr. Roderick and heard the conversation. Mr. Roderick tried to address the issue with the claimant, but she ended the conversation by stating that she quit her employment. After the telephone conversation, she also told Officer Dave Hollingshead, who was located at the college, that she quit her employment. Continuing work was available.

REASONING AND CONCLUSIONS OF LAW:

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

The claimant denies she quit her employment, but the evidence confirms she did. In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by telling the dispatcher and telling the field supervisor she quit on September 2, 2012. The evidence confirms the claimant quit for personal reasons.

Where an individual mistakenly believes that she is discharged and discontinues coming to work (but was never told she was discharged), the separation is a voluntary quit without cause attributable to the employer. *LaGrange v. Iowa Department of Job Service*, (Unpublished Iowa Appeals 1984). The claimant admitted she did not contact the employer after September 2, 2012. Even if she did not want to work at the College, she could have worked at another site.

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

DECISION:

The unemployment insurance decision dated September 19, 2012, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw