

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JASON A VARNEY**  
Claimant

**ACP OF DELAWARE INC**  
Employer

**APPEAL 17A-UI-03224-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/26/17  
Claimant: Appellant (1)**

---

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 20, 2017, (reference 02) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on April 14, 2017. Claimant participated. Employer participated through human resource director Kimberley Port and senior vice president of business development Mary Potter.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on August 15, 2016. Claimant last worked as a full-time sales administrator. Claimant was separated from employment on March 1, 2017, when he resigned.

Before terminating an employee, employer requires supervisors to involve its human resources department.

On February 28, 2017, senior vice president of business development Mary Potter presented claimant with a performance improvement plan. Claimant signed the plan, but then stated he thought it was unfair given that Potter also made mistakes. After the discussion, claimant believed he had been terminated and he left for the day.

The next morning, on March 1, 2017, claimant went to human resource director Kimberly Port's office. Claimant handed Port the company property in his possession and stated he had been terminated the previous day. Port explained he had not been terminated, and that he had merely been put on a performance improvement plan. Despite Port's explanation, claimant left employer's place of business and did not return.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

As an initial matter, claimant resigned and was not terminated. On March 1, 2017, human resource director Kimberley Port plainly told claimant he had not been terminated and had merely been put on a performance plan. Instead of remaining at the workplace to begin work for the day, claimant left. Therefore, claimant resigned.

The next issue is whether claimant resigned for a good cause reason attributable to employer.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25(28) 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:

(28) The claimant left after being reprimanded.

In this case, claimant resigned after having been put on a performance improvement plan. While claimant may have had good personal reasons for resigning, he did not establish he resigned for a good cause reason attributable to employer.

**DECISION:**

The March 20, 2017, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

cal/