

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SAMANTHA M CARLYLE
Claimant

BIOLEGEND INC
Employer

APPEAL NO. 17A-UI-12078-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/22/17
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 17, 2017, reference 05, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 14, 2017. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 30, 2017. Claimant had recently received a negative 90 day assessment of her work. After receiving this assessment, claimant went to human resources to show the positive strides she'd made. When claimant spoke with human resources representative for employer, it was negotiated that claimant would quit her employment, and in exchange for her quitting, she'd be paid salary in the amount of \$15,800.00 to compensate her for payment through the end of the year.

Claimant gave no testimony that she was fired by employer, or even told that she was about to be fired if she didn't quit.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she and employer reached a settlement agreement for claimant to end her employment. As claimant chose to end her employment after she was given a negative 90 day review, and was compensated for doing so, this was a voluntary quit, and claimant is not eligible for the receipt of benefits at this time.

DECISION:

The decision of the representative dated November 17, 2017, reference 05, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn