

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANNETTE L REMICK
Claimant

APPEAL NO. 13A-UI-11129-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BURLINGTON AREA HOMELESS SHELTER
Employer

OC: 04/07/13
Claimant: Appellant (2)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 27, 2013, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 23, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Charlotte Blodgett participated in the hearing on behalf of the employer. Exhibits A and B were admitted into evidence at the hearing.

ISSUE:

Was the claimant laid off for lack of work from the employer?

FINDINGS OF FACT:

The claimant worked full time as an executive director for the employer from October 3, 2007, to March 28, 2013. The board of directors, the governing body for the employer, decided that there was not enough money coming in from donations to keep the shelter open. Members of the board of directors informed the claimant that they had decided to close the shelter for the time being and advised her to file for unemployment insurance benefits. The board of directors later recomposed, hired another person as executive director, and reopened the shelter in July 2013. The claimant has not been offered employment in the reopened homeless shelter.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. On the other hand, a person laid off for financial reasons is not disqualified from receiving unemployment insurance benefits. 871 IAC 24.1(113)a. To voluntarily quit means a claimant exercises a voluntary choice between remaining employed or discontinuing the employment relationship and chooses to leave employment. To establish a voluntary quit requires that a claimant must intend to terminate employment. Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989); Peck v. Employment Appeal Board, 492 N.W.2d 438, 440 (Iowa App. 1992). The evidence does not

establish the claimant voluntarily quit. It was the board of directors who decided to end the claimant's employment in March 2013.

The employer's current executive director attributed the demise of the shelter to the claimant's management. But the evidence does not establish that the board of director's discharged the claimant for mismanagement. The claimant's separation on March 28, 2013, was not a voluntary quit or discharge for misconduct so she is qualified for benefits.

DECISION:

The unemployment insurance decision dated September 27, 2013, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css