

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIKA A GRISHAM
Claimant

CENTRAL BANK
Employer

APPEAL 18A-UI-04166-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/11/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 27, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant quit after being reprimanded. The parties were properly notified of the hearing. A telephone hearing was held on April 27, 2018. The claimant, Erika A. Grisham, participated. The employer, Central Bank, participated through Randy Johnson, Senior Vice President; and Megan Hurd, Talent Development Coordinator. Employer's Exhibits 1 and 2 were received and admitted into the record without objection. The administrative law judge took official notice of the administrative record.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a teller, from January 19, 2017, until March 16, 2018, when she quit. In the morning on March 5, the employer issued claimant a written disciplinary action because her bank account was negative. The employer had a policy that an employee could not allow her bank account to become overdrawn, and claimant was aware of this policy. Claimant was told that if her bank account went negative again, she would be discharged. Later that afternoon, claimant went into Hurd's office and put in her two-week notice. Claimant worked through March 10, 2018, and was then on bed rest for one week. Continued work was available to claimant, had she not voluntarily ended her employment.

REASONING AND CONCLUSIONS OF LAW:

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

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 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, claimant chose to resign from her employment after receiving a reprimand about her bank account. The average employee in claimant's situation would not have felt similarly compelled to end her employment under the circumstances. A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant submitted a two-week notice that she was quitting. She was allowed to work through her intended end date of employment. Claimant's separation was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The March 27, 2018, (reference 01) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn