

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEFANIE D RONAN
Claimant

APPEAL NO. 09A-UI-10345-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HOSPITAL
Employer

**Original Claim: 06/07/09
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 7, 2009, reference 01, that concluded she voluntarily quit without good cause. A telephone hearing was held on August 5, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Sheryl Knutson participated in the hearing on behalf of the employer with a witness, Roschell Lloyd.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a sterilization technician from June 2002 to June 7, 2009. Roschell Lloyd was the claimant's supervisor. She worked three days per week from 7:00 a.m. to 7:00 p.m. on Saturday and Sunday, and on Wednesday from 4:00 a.m. to 4 p.m.

On May 27, 2009, the claimant sent Lloyd an email announcing that she was giving the employer her two-week notice that she was quitting. She gave her notice that she was quitting because she no longer wanted to work weekends and had requested a change in her work schedule. She wanted to spend more time with her family and her mother, who was seriously ill. She also was frustrated with one of her coworkers who was bossy and critical of the claimant's work performance.

After sending the email, the claimant had second thoughts about resigning. Lloyd was on vacation but received the email. He called the claimant and told her that he wanted her to complete a resignation form. When the claimant told Lloyd that she did not want to resign, Lloyd told her that they would talk about it when he returned from vacation.

Lloyd returned from vacation on June 3, 2009, and met with the claimant. He gave the claimant her annual evaluation and a written reprimand for excessive absenteeism. Lloyd called the claimant on June 4, informed her that the employer was accepting her notice to quit employment, and requested she come in to sign the separation form on June 10. He told her

that she could work out the two-week notice. She told him she was not going to come in to sign the separation form because she was done.

Lloyd understood that she was not going to work her weekend shift, either, and lined up coverage for her shifts on June 6 and 7. The claimant reported to work on June 6 but was sent home because the shift was covered. Lloyd was called on June 6, and he agreed that she could work her last day on June 7.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

When an employee gives their notice of quitting, the employer has the right to either accept the resignation or allow the employee to rescind the resignation. The fact that the claimant changed her mind but the employer would not allow her to rescind the resignation does not change the separation from a voluntary quit to a discharge. There is no requirement that a resignation be written up on a form or be signed to be effective. The claimant must be considered to have voluntarily quit.

The next question is whether the quit was with good cause attributable to the employer. The claimant was never promised a change in her hours, so the fact that the employer did not take her off weekends did not provide good cause to quit. The claimant had a personality conflict with a coworker, but that did not provide her with good cause attributable to the employer to quit her job.

DECISION:

The unemployment insurance decision dated July 7, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw