

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES A CAREY**  
Claimant

**APPEAL NO. 08A-UI-03959-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEPT OF VETERANS AFFAIRS**  
Employer

**OC: 07/29/07 R: 03  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 17, 2008, reference 03, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 6, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing with witnesses, Dennis Sass, Lynn Hanlon, Patrick Kerns, and Pat Huber. Becky Bauman participated in the hearing on behalf of the employer. Exhibits A and One were admitted into evidence at the hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant worked full time as an operating room medical support assistant for the employer from October 1, 2007, to March 17, 2008. In March 2008, the claimant was still in his probationary period. Dennis Sass, the specialty clinic manager, was the claimant's supervisor.

The claimant submitted his resignation to the employer on March 17, 2008, after he learned that coworkers in the operating room had complained about his conduct to the operating charge nurse. This upset the claimant because he did not believe he had done anything to warrant any complaints. He met with Sass on March 14 and expressed his concern about being falsely accused. He was angry and upset. Union personnel, including the union president, Pat Kern, met with the claimant in the union office after the meeting and tried to get the claimant to calm down. They suggested that he leave work early that day so he could compose himself. Sass agreed that the claimant could leave work early.

The claimant reported to work as scheduled on March 17, 2008. After he had worked for about an hour, Kern and other union officials asked to meet with the claimant. They had talked to some of the employees who had complained about him.

Kern told the claimant that if the employees pursued their complaints against him, he could be terminated and because he was in his probationary period, there would not anything that the

union could do to prevent his termination. Kern told him that one option would be to resign and it would not go down as a termination on his employment record. Kern and the other union officials convinced the claimant that he was going to be fired and it would be better to resign.

Kern printed off a personal action request from the VA internet, and the claimant filled out the form and signed it indicating he was resigning. He went to the human resources department and talked to Lynn Hanlon, a human resources representative. He asked Hanlon about being discharged during his probationary period. She confirmed that he could not challenge his termination during his probationary period but assured him that there would have to be strong evidence justifying termination. He asked Hanlon about resigning and she assured him that if he resigned before any disciplinary action was taken, the employment records would reflect he voluntarily quit employment without any mention of any discipline. The claimant resigned from employment because he believed his discharge was imminent, and the employer accepted the resignation.

At the point the claimant resigned, no one in a management position had made any determination that he was going to be discharged or even be disciplined. None of the union officials who spoke to the claimant were managers, and no manager suggested that any union personnel try to convince the claimant to quit.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

In this case, the employer did not force the claimant to quit and no disciplinary or termination action had been proposed regarding the claimant. The union personnel who spoke to the claimant were not directed to encourage the claimant to quit. The actions of Kern and other union officials cannot be attributed to the employer. The claimant quit employment and has not shown good cause under the unemployment insurance law for quitting.

**DECISION:**

The unemployment insurance decision dated April 17, 2008, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw