

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLIE SVEUM
Claimant

APPEAL NO. 09A-UI-11499-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAMPTON CARE CENTER
Employer

**Original Claim: 07/05/09
Claimant: Appellant (1)**

Section 96.5(1) – Quit
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant, Ashlie Sveum, filed an appeal from a decision dated August 3, 2009, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on August 26, 2009. The claimant participated on her own behalf. The employer, Hampton Care, participated by Administrator Claudia Boeding. Exhibit D-1 was admitted into the record.

ISSUE:

The issue is whether the appeal is timely and whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

A disqualification decision was mailed to the claimant's last known address of record on August 3, 2009. The claimant received the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by August 13, 2009. The appeal was filed on August 11, 2009, which is before the date noticed on the decision.

Ashlie Sveum was employed by Hampton Care Center from February 6, 2008 until April 20, 2009 as a full-time CNA. On April 20, 2009, she was called in to the office by Administrator Claudia Boeding and DON Julie Lanes to discuss an incident on April 17, 2009. Ms. Sveum had been experiencing behavior problems of swearing and being disruptive around residents. A written warning was issued and the claimant became angry and hostile. She admitted to having a lot of stress in her personal life, as she had lost her place to live, had been offered another place to live if she moved to another city, and found the workplace stressful with the amount of work to be done.

The meeting ended when Ms. Sveum stood up and, as she walked out, told the employer to fire her, as she did not care. The claimant then got her purse and left the facility.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The claimant's appeal is timely, as it was postmarked two days prior to the due date.

Iowa Code section 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.

871 IAC 24.25(2), (21), (22) 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:

(2) The claimant moved to a different locality.

(21) The claimant left because of dissatisfaction with the work environment.

(28) The claimant left after being reprimanded.

The claimant quit when the employer issued her a reprimand. She was also "stressed" from certain events in her personal life. In addition, she had elected to move to another city. Under the provisions of the above Administrative Code sections, none of these constitutes good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The decision of the representative dated August 3, 2009, reference 01, is affirmed. The appeal was timely. Ashlie Sveum is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw