

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRALEE M STRATTON
Claimant

APPEAL NO: 11A-UI-15441-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HR247 LLC
Employer

OC: 06/05/11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 29, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Rich Lynn, the production manager, Barb Kamp, the claimant's supervisor, and Carol Engelken, the general manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 9, 2011. The employer trained the claimant and other new employees on the machines they used to embroider on the various products. The claimant was not working as fast as other new employees. She did not feel comfortable working with her machine and started worrying because she was not able to keep up with the other new employees. The employer knew the claimant was not working as fast as others, but decided to work with her and had no plans to discharge her.

The claimant decided the employer would eventually discharge her for unsatisfactory work because she did not work as fast as other employees. The claimant gave the employer a three-week resignation notice. The claimant worked until the effective date of her resignation, October 31, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit when she gave the employer a three-week notice that her last day would be

October 31, 2011. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits without good cause when she leaves because she feels her job performance is not satisfactory, but the employer has not asked her to leave and there is continuing work for her. 871 IAC 24.25(33). The claimant established personal reasons for quitting. Even though she was not working as fast as other new employees, the employer planned to work with the claimant and told her this. The employer had no plans to discharge the claimant when she resigned. The claimant quit for reasons that do not qualify her to receive benefits. As of October 30, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 29, 2011 determination (reference 02) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 30, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css