

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ASA R NIELSON**

Claimant

**APPEAL NO. 10A-UI-00262-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**

Employer

**OC: 11/22/09**

**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Asa Nielson filed a timely appeal from a representative's decision dated January 7, 2010, reference 01, that denied benefits based upon his separation from Wells Fargo Bank NA. After due notice, a telephone conference hearing was scheduled for and held on March 9, 2010. The claimant participated personally. Participating on behalf of the claimant was Mr. Scott Buchanan, Attorney at Law. Although duly notified, the employer did not respond to the notice of hearing and did not participate.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Asa Nielson was employed by Wells Fargo Bank NA from November 2007 until November 24, 2009 when he quit employment. Mr. Nielson worked as a full-time service manager. His immediate supervisor was Michelle Meaney.

Mr. Nielson left his employment with Wells Fargo Bank on November 24, 2009 when he was given the option of signing a formal written warning, resigning or being terminated. The warning stated that the claimant had violated the bank's policy regarding "dual control" during specified money transactions. The claimant reasonably believed that the warning was unjustified as he had not violated bank policies and his agreement to the warning would have significantly affected the claimant's ability to receive merit increases, incentive compensation and promotions.

Mr. Nielson had been escorted from the bank and publically accused of theft some days earlier, when a bank shortage had been discovered. The claimant had followed all banking procedures when making a "sell" transaction transferring bank funds. The claimant had followed the bank's dual control requirements and had violated no policies or procedures. The dual control provision of policy required that two bank employees be involved in transactions of this nature. Mr. Nielson had at all times stated that he was innocent of violating any company policies or

procedures and had cooperated with the bank during the investigation. Although Mr. Nielson had requested to see the first surveillance tape of the transaction, the claimant's request was refused by the bank.

Mr. Nielson declined to sign the warning given to him on November 24, 2009 because he had been told that he had been exonerated from guilt in the matter and believed that signing the third-step warning was in and of itself inappropriate as he had not violated bank policies.

#### **REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes good cause attributable to the employer for leaving this employment. It does.

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.

The claimant left employment in this case after being told that he would be terminated if he did not sign a warning admitting violation of bank procedure. The claimant believed the statements in the document were untrue and that they would have an ongoing negative effect on his future employment with this employer, and therefore refused. The claimant resigned because he believed he had been treated unfairly and the warning was unjustified. Good cause for leaving attributable to the employer has been shown. Benefits are allowed, providing the claimant is otherwise eligible.

#### **DECISION:**

The representative's decision dated January 7, 2010, reference 01, is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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