

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SADIE L TAPP
Claimant

**STELLAR MANAGEMENT GROUP V INC
QSI**
Employer

APPEAL NO. 14A-UI-04881-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/06/14
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 30, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 30, 2014. Claimant participated. Employer participated by Susan Ashlock, Human Resource Manager.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 20, 2014. Claimant was told to wait for 10 minutes so as to receive training on hair nets. Claimant got upset and said she quit. Claimant was stopped by the human resource manager and told to go back to the office. Claimant left momentarily and then went back to the office. Claimant told employer she had an appointment with a probation officer. Claimant missed her ride to the probation office. Claimant was then counseled by Travis and Norma before she left. Employer told claimant that she was on a three day suspension. Claimant did not quit. Employer changed the suspension to a voluntary quit after claimant left. Claimant did follow the instructions to go back to the office. Employer had not issued claimant any prior warnings for insubordination.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when employer terminated the employment relationship because of claimant allegedly walking off the job. This is not a quit. Claimant's return to the office to get a write up indicates that claimant was not intending to quit. Employer initially gave claimant a suspension. Employer's decision to change this to a quit is not well founded based on the facts. Claimant's intent by her actions and statements indicates she

wanted to keep her job and keep working. Employer caused this termination by redefining claimant's intentions to define as a quit. This is good cause attributable to employer for a quit. Benefits allowed.

Iowa Code § 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.

DECISION:

The decision of the representative dated April 30, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs