

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

RONDA J SAMS
RR #1 BOX 108
GLADSTONE ILL 61437

THREE I CREDIT UNION
3001 SYLVANIA DR
BURLINGTON IA 52601

Appeal Number: 04A-UI-10754-BT
OC: 09/05/04 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Ronda Sams (claimant) appealed an unemployment insurance decision dated September 24, 2004, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Three I Credit Union (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 27, 2004. The claimant participated in the hearing. The employer participated through Mary Ann McCartney, Karen Thomas and Le Tabbert.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time operations supervisor/manager from June 8, 2004 through September 8, 2004. She quit her employment after an angry confrontation with her manager. The claimant walked into the manager's office and presented a page of accusations about how the manager was doing her own job. The manager became angry, the claimant walked out of the meeting, gathered her personal belongings and left the facility at approximately 9:00 a.m. The claimant never mentioned any problems to the manager before this date and never mentioned anything about quitting her employment. The parties did meet after the separation for a possible mediation but there was too much anger for reconciliation.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant demonstrated her intent to quit when she walked out of her supervisor's office, gathered her personal belongings and left the facility on the morning of September 8, 2004. She further demonstrated her intent to quit by not returning to work after that date. The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code Section 96.6-2. She quit her employment after an angry confrontation with her supervisor. There were no previous problems mentioned to her employer and no previous notification of an intent to quit. The claimant has failed to establish she quit her employment with good cause attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated September 24, 2004, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount provided she is otherwise eligible.

sdb/kjf