

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MELISSA M HOOD

Claimant

REMEDY INTELLIGENT STAFFING INC

Employer

APPEAL NO. 14A-UI-11028-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/28/14

Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 15, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 13, 2014. Claimant participated. Employer participated by owner Susan Schminke and Julie Coughlin. Claimant's Exhibits A-D were admitted into evidence.

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 July 25, 2014. Claimant had been placed by employer with BHFO. On July 25, 2014 claimant was asked to work in quality control. Claimant was not happy with this placement and expressed her displeasure to company management. Claimant was told to go back to her job. At the 9:00 a.m. break, claimant went on break, and did not return to work.

At 9:05 a.m. claimant called employer and stated that she had been dismissed from work due to her bad attitude, and attendance issues. Employer called up claimant's supervisor at BHFO and asked about claimant's dismissal. The BHFO supervisor stated that claimant was not dismissed, rather she didn't return from her 9:00 a.m. break.

Claimant presented documents showing that she had three doctor's visits at an OB/GYN clinic in June and one in July prior to her job separation. Claimant also showed a document from a July 16 UIC doctor's visit. Claimant showed no documentation concerning days missed surrounding the separation date.

REASONING AND CONCLUSIONS OF LAW:

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.

Iowa Admin. Code r. 871-24.25(21) 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:

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

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because claimant was not happy with her job assignment while working for BHFO. Claimant's explanation about her being fired for missing work does not coincide with the dates missed from work that were provided by claimant as evidence.

Employer called up BHFO concerning the job separation immediately after claimant reported that she'd been terminated. This seems reasonable as there was no information concerning days missed in claimant's file with employer. BHFO affirmed that claimant had walked off the job earlier in the day.

Weighing the testimony of both claimant and employer, employer's testimony as to the occurrences surrounding the job separation, employer's testimony of events comports more closely with other evidence presented to the court. As such, claimant is seen to have voluntarily quit her employment without good cause attributable to employer.

DECISION:

The decision of the representative dated October 15, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed
bab/pjs