

Supervisor, Susan Walker. Ms. Walker did not accuse the claimant of stealing when she reprimanded her on July 2. Ms. Walker was trying to explain to the claimant the rationale behind the rules for paying jackpots and indicated they were in place to protect the employer from theft. The claimant misunderstood and thought Ms. Walker was accusing her of theft. The written write-up makes clear that the claimant was not being accused of theft, only of improperly paying a jackpot. While Ms. Walker may have chosen to discipline the claimant in areas other than the office, she did not in any way try to publicly humiliate or embarrass the claimant. The claimant made complaints to Mr. True but never gave him time to investigate prior to turning in her two-week notice. The subsequent investigation failed to establish that Ms. Walker was picking on the claimant or intentionally trying to harass her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

871 IAC 24.25(28), (33) provide:

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:

(28) The claimant left after being reprimanded.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2 (amended 1998). The claimant was obliged to notify the employer of a work-related problem prior to quitting and to give the employer an opportunity to address the problem. Swanson v. EAB, 554 N.W.2d 294 (Iowa App. 1996). The claimant's decision to quit after having been reprimanded was not a good-cause reason attributable to the employer for leaving nor has the claimant established that she was subjected to an intolerable or hostile work environment. An employer is allowed to discipline employees. The discipline given to the claimant was appropriate. Benefits are denied.

DECISION:

The August 23, 2005, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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