

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PRECIOUS V CLARK**  
Claimant

**APPEAL NO. 09A-UI-03695-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CNE LTD**  
Employer

**Original Claim: 01/25/09  
Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 26, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 2, 2009. Claimant participated. Employer participated by Shelly Olsson, Staffing Administrator.

**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 having considered all of the evidence in the record, finds: Claimant last worked for employer on January 26, 2009. Claimant quit because she was afraid of making a mistake in scheduling flights for college students. Claimant had made one mistake by not catching a scheduling error perpetrated by a travel agent. Claimant was warned about the mistake. Claimant was told that she should just know that an error happened. Claimant tendered her resignation because she was afraid of making a mistake that would result in a student being stranded at the wrong place and time. Claimant made complaints to the employer about the problem. Continued work would have been available on an ongoing basis had claimant not resigned. Claimant offered to work two additional weeks, but employer terminated the employment immediately. Claimant would have worked through the week ending February 7, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

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 of dissatisfaction with the work environment. Quitting because of possible mistakes is a personal reason for a quit. This is dissatisfaction with the work environment. Benefits withheld.

However, claimant would have worked two additional weeks but for employer terminating the employment early. Claimant is allowed benefits for the two weeks ending February 7, 2009.

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(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.

871 IAC 24.25(38) 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:

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

**DECISION:**

The decision of the representative dated February 26, 2009, 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. Claimant is entitled to benefits for the two weeks ending February 7, 2009.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw