

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

HALEY C FULLER

Claimant

APPEAL NO: 21A-UI-12196-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREAT RIVER MEDICAL CENTER

Employer

OC: 03/21/21

Claimant: Respondent (4)

Iowa Code § 96.5(1) – Voluntary Quit

Iowa Admin. Code r. 871-24.26(12) – Employer Termination of Employment Prior to Quit Date

STATEMENT OF THE CASE:

The employer filed a timely appeal from the April 26, 2020, reference 01, decision that held the claimant was eligible for benefits provided the claimant met all other eligibility requirements and that the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged for no disqualifying reason. After due notice was issued, a hearing was held on July 23, 2021. The claimant did not provide a telephone number for the appeal hearing and did not participate. Todd Morehead represented the employer. Exhibits 1 through 6 were received into evidence. The administrative law judge took official notice of the Agency's administrative record of benefits disbursed to the claimant (DBRO, KPYX and KPY1), which record reflects that note benefits were disbursed to the claimant in connection with the March 21, 2021 original claim.

ISSUES:

Whether the claimant's voluntary quit was without good cause attributable to the employer.
Whether the employer terminated the employment prior to the effective quit date.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by Great River Medical Center as a full-time Licensed Practical Nurse (LPN) in the cardiology clinic from October 2019 until March 18, 2021. On March 8, 2021, the claimant submitted a written resignation to the employer in lieu of meeting and discuss interpersonal strife between the claimant and one or more coworkers. The claimant indicated in the resignation that she was leaving for personal reasons. The claimant indicated in her resignation that her last day in the employment would be April 2, 2021. On March 17, 2021, another nurse in the cardiology clinic sent an email to the claimant's supervisor in which she alleged they had been rude to her, had told her to shut-up, and had stated that she was not interested in remaining professional. The employer interviewed the complainant, but did not interview the claimant regarding the allegations. Instead, the employer met with the claimant on March 18, 2021, for the purpose of telling the claimant the employer was accepting the

resignation effective immediately, meaning that the employer was terminating employment prior to the effective quit date.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992).

Iowa Admin. Code r. 871-24.25(6) 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:

(6) The claimant left as a result of an inability to work with other employees.

Iowa Admin. Code r. 871-24.26(12) provides:

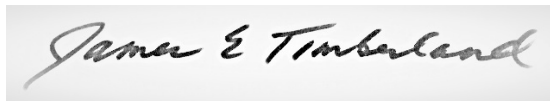
(12) When an employee gives notice of intent to resign at a future date, it is a quit issue on that future date. Should the employer terminate the employee immediately, such employee shall be eligible for benefits for the period between the actual separation and the future quit date given by the claimant.

The evidence in the record establishes a voluntary quit effective April 2, 2021. That quit was without good cause attributable to the employer. The claimant did not participate in the appeal hearing and did not present any evidence to establish a good cause basis for the quit. The evidence in the record establishes that the claimant elected to leave the employment, rather than work through interpersonal issues with a coworker. Effective April 4, 2021, the claimant is disqualified for benefits until she works in and is paid wages equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer account shall not be charged for benefits for the period beginning April 4, 2021. Because the employer elected to terminate the employment early on March 18, 2021, the employer's account may be charged for benefits for the two-week period of March 21, 2021 through April 3, 2021. Because the employer terminated the employment early, the claimant is eligible for benefits for the two-week period of March 21, 2021 through April 3, 2021, provided she is otherwise eligible.

There is no overpayment of benefits issue to be addressed.

DECISION:

The April 26, 2020, reference 01, decision, decision is modified in favor of the employer as follows. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective April 2, 2021. Effective April 4, 2021, the claimant is disqualified for benefits until she works in and is paid wages equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer account shall not be charged for benefits for the period beginning April 4, 2021. Because the employer elected to terminate the employment early on March 18, 2021, the employer's account may be charged for benefits for the two week period of March 21, 2021 through April 3, 2021. Because the employer terminated the employment early, the claimant is eligible for benefits for the two-week period of March 21, 2021 through April 3, 2021, provided she is otherwise eligible.



James E. Timberland
Administrative Law Judge

July 30, 2021
Decision Dated and Mailed

jet/scn