

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA MILLER**  
Claimant

**APPEAL NO. 08A-UI-02000-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AGSTAR FINANCIAL SERVICES FLCA**  
Employer

**OC: 01/20/08 R: 02  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Melissa Miller (claimant) appealed an unemployment insurance decision dated February 25, 2008, reference 02, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Agstar Financial Services FLCA (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 March 13, 2008. The claimant participated in the hearing. The employer participated through Supervisor Don Slagle, Human Resources Manager Leah Bridger, and Attorney Tim Anderson. Employer's Exhibits One and Two were admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**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 leasing specialist from October 17, 2007 through January 16, 2008 when she voluntarily quit. Her supervisor met with her that day and discussed several customer service complaints about her. The claimant's lack of commitment to her job and lack of leasing knowledge was also addressed. She asked whether she was being fired and her supervisor told her no but that he was extremely disappointed with her job performance. After that meeting, the claimant sent an e-mail to her supervisor which stated, "Since the issue has come (sic) up like this, I am leaving my id on your desk. I know that tomorrow or Monday you were going to let me go. So I clean out my desk. Thanks."

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant contends that she was fired but the evidence, specifically her own e-mail, demonstrates otherwise. In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out by sending her supervisor an e-mail indicating that she quit because she believed she was going to be fired. The law presumes it is a quit without good cause attributable to the employer when an employee leaves employment after being reprimanded. 871 IAC 24.25(28).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated February 25, 2008, reference 02, 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.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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