

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RAELYNN K ROBINSON
Claimant

NEW FOCUS INC
Employer

APPEAL 15A-UI-04085-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 30, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on May 6, 2015. The claimant participated. The employer participated through Peggy Oden. Employer Exhibits One and Two, and claimant Exhibit A were admitted into evidence.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a store clerk and was separated from employment on March 12, 2015, when she resigned. Continuing work was available.

In 2014, the claimant's management changed and Dusty Hatfield was her store supervisor. Ms. Hatfield was related to other members of management in the company. The claimant had four incidents of unplanned or unexpected absences between February 5 through February 23, 2015, for reasons ranging from being sick with strep throat to accompanying her son to a college visit. On the day the claimant resigned, she was issued a written reprimand regarding the use of leave slips when she was going to be missing work (Employer Exhibit One). The claimant testified she believed Ms. Hatfield was able to leave without notice and without reprimand. The claimant resigned shortly thereafter being issued the disciplinary action without further explanation (Employer Exhibit Two).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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(28) and (22) 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 § 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 § 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.

(22) The claimant left because of a personality conflict with the supervisor.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

An employer has the right to allocate personnel in accordance with the needs and available resources. Brandi v IDJS, (Unpublished Iowa App. 1986). In this case, the claimant's manager changed in 2014 to Ms. Hatfield. The claimant continued working for Ms. Hatfield for over a year, in light of feeling like she was being treated unfairly. The claimant never spoke with Ms. Oden or other management about possible disparate treatment. Given the stale dates of the complaints, they are not individually addressed as claimant acquiesced to them by not raising concerns with management or quitting earlier when they arose.

The decision to resign after nearly eighteen years of employment could not have been easy. However, based on the evidence presented, the administrative law judge concludes that the claimant's decision to quit because after being reprimanded may have been based upon good personal reasons but was not for a good-cause reason attributable to the employer under Iowa law. Benefits are denied.

DECISION:

The March 30, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/css