

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CATHRYN A LACINA
Claimant

SIRWA
Employer

APPEAL 15A-UI-09946-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/09/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 27, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment after being reprimanded which was not a good-cause reason attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on September 17, 2015. Claimant Cathryn Lacina participated through Attorney Joe Ferrentino. Employer SIRWA participated through Human Resource/Account Payable Manager Brenda Standley and General Manager Dan McIntosh.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the 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 an Assistant Manager/Office Manager beginning August 3, 1992, and was separated from employment on July 15, 2015, when she quit. The claimant had been experiencing stress as a result of work. She made some mistakes, including sending an email to other employees with her application for another job attached.

On July 15, 2015, her supervisor, General Manager Dan McIntosh, asked her to meet with him and Human Resource/Account Payable Manager Brenda Standley. McIntosh started to tell the claimant he wanted to talk to her about the email incident and other recent performance issues; however, the claimant interrupted him and told him to just terminate her employment if that was what he was going to do. He told her that she did not want him to terminate her and she stated she would resign. McIntosh had no intention of terminating or ending the claimant's employment at that meeting because she was a good employee.

The claimant had previously spoken to McIntosh about the stress she felt at work. He had told her that she was doing a good job and she had nothing to worry about. They also agreed that Standley would assist the claimant with her work; however, the claimant knew Standley was very busy as well.

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. Benefits are denied.

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. 871-24.26(6)b provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury or pregnancy.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

Iowa Admin. Code r. 871-24.25(28) and (33) 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:

(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 § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, the claimant claimed she left due to stress aggravated by her work environment as she did not believe she was performing her job adequately. However, this does not appear to be stress that a reasonable or average person would experience as the claimant's supervisor testified she was doing a good job and he had shared that with her. Additionally, the claimant felt better after leaving her employment, but did not establish that she had adequate health reasons to terminate her employment when she did not leave on advice of her physician and her physician did not find any physical ailments related to the claimant's stress.

The claimant decided to quit when she was being called into the office for a mild reprimand. She also felt she was not performing her job to the employer's standards, but the employer did not ask her to leave and continuing work was available. It is believable that the claimant felt better after leaving what she perceived to be a stressful situation. However, while her decision to leave the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The August 27, 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/pjs