

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SAVANNAH M ARCHER**  
Claimant

**APPEAL NO. 09A-UI-03428-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOOD SAMARITAN SOCIETY INC**  
Employer

**OC: 01/25/09**  
**Claimant: Respondent (1)**

871 IAC 24.26(21) – Resignation in Lieu of Discharge

**STATEMENT OF THE CASE:**

Good Samaritan Society, Inc. filed a timely appeal from an unemployment insurance decision dated February 26, 2009, reference 02, that allowed benefits to Savannah M. Archer. After due notice was issued, a telephone hearing was held March 19, 2009 with Ms. Archer participating. Human Resources Associate Fred Metcalf testified for the employer. A portion of the documents submitted by the employer as Exhibit One were admitted into evidence. The administrative law judge did not admit other pages that dealt with the claimant's medical history. These documents were not admitted into the record because they were not relevant.

**ISSUE:**

Did the claimant voluntarily leave employment? Did the claimant's employment end due to misconduct?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Savannah M. Archer was employed by Good Samaritan Society, Inc. from August 18, 2008 until January 27, 2009. She last worked as a laundry assistant.

Shortly after 8:00 a.m. on January 27, 2009, Ms. Archer and her supervisor, Ms. Roberts, came to the office of Fred Metcalf. Both were agitated because of an ongoing series of conflicts. On the morning in question Ms. Archer had asked Ms. Roberts not to change her (Ms. Archer's) schedule without first notifying her. While in Mr. Metcalf's office, Ms. Roberts became angry and left. Ms. Archer remained while regaining her composure. Approximately two hours later Ms. Archer and Ms. Roberts returned to Mr. Metcalf's office. Telling Ms. Archer that he was acting as her advocate, Mr. Metcalf strongly suggested that it would be in Ms. Archer's long-term interest for this employment to end as a voluntary quit rather than to face the potential of a future discharge. At the end of the meeting, Ms. Archer resigned.

## **REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence in the record establishes that the separation was a disqualifying event. The administrative law judge concludes that it does not.

The evidence in the record establishes that the claimant submitted a written resignation. The resignation must be viewed in the light of Mr. Metcalf's statements to the claimant that he was her advocate and that it would be better for her in the long term if the employment were to end as a resignation rather than as a discharge. The administrative law judge concludes from the evidence that the meeting in Mr. Metcalf's office was inherently coercive. The administrative law judge concludes that Mr. Metcalf, a member of management, was not really the claimant's advocate. He was in a sense her adversary. Noting the circumstances of the meeting in which the resignation occurred and the claimant's youth and inexperience in the work force, the administrative law judge concludes that the resignation was not truly voluntary. Disqualification under Iowa Code section 96.5-1 is not appropriate.

The remaining question is whether the evidence establishes that the claimant became unemployed as a result of misconduct in connection with her employment.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

The evidence establishes a series of conflicts between the claimant and her supervisor. It establishes that the two individuals were experiencing a running disagreement on January 27, 2009. The evidence does not, however, establish deliberate misconduct by Ms. Archer. No disqualification may be imposed.

**DECISION:**

The unemployment insurance decision dated February 26, 2009, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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