

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**STACY R REESE
506 S MARSHALL
BURLINGTON IA 52601**

**FOUNDATION 2 INC
1714 JOHNSON AVE NW
CEDAR RAPIDS IA 52405**

**Appeal Number: 04A-UI-08336-BT
OC: 07/04/04 R: 04
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Stacy Reese (claimant) appealed an unemployment insurance decision dated July 26, 2004, reference 02, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Foundation 2, Inc. (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 August 24, 2004. The claimant participated in the hearing. The employer participated through Sarah Brown and Paul Swanson.

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 an overnight youth counselor at this youth shelter from October 2, 2003 through January 30, 2004. She started part-time but went full-time on November 10, 2003. The claimant quit her employment because she was having difficulty with an overnight supervisor. She advised the employer she would not return to work without first meeting with her employer. The employer was willing to meet with the claimant but had to provide care and cover shifts in the meantime. The employer accepted the claimant's verbal resignation.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

Iowa Code Section 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.

The claimant voluntarily quit on January 30, 2004. She has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code Section 96.6-2. The claimant advised the employer she would not work until a meeting had been scheduled to discuss her problems with the overnight supervisor. The employer accepted the claimant's resignation. The employer was willing to meet with the claimant but could not allow the claimant not to work in the meantime. The claimant failed to meet her burden and her separation cannot be attributed to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated July 26, 2004, reference 04, 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.

sdb/smc