

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA WARD-CUNNINGHAM**  
Claimant

**APPEAL NO: 07A-UI-05656-BT**

**ADMINISTRATIVE LAW JUDGE  
AMENDED DECISION**

**DES MOINES AREA COMM COLLEGE**  
Employer

**OC: 05/06/07 R: 02  
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

Des Moines Area Community College (employer) appealed an unemployment insurance decision dated May 24, 2007, reference 01, which held that Rhonda Ward-Cunningham (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 21, 2007. The claimant participated in the hearing. The employer participated through Michael Wilkinson Executive Director; Managers Jack Cline and Karen Cogan; and Kay Ruggiero, Payroll Supervisor. 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 hired on November 1, 2006 as a full-time team leader in the Management Information Systems and Information Technology Department and continued in that capacity until she voluntarily quit on April 30, 2007. Her supervisor was absent from work on April 23, 2007 and the claimant believed the supervisor was in a meeting. The supervisor called and asked if everyone knew where she was at and the claimant stated that she had informed everyone the supervisor was in a meeting. The supervisor reportedly became upset and said she was not in a meeting but was in Knoxville, Iowa helping Sandy with her computer. The supervisor told the claimant to tell everyone where she was and that she was on her way into work. After the conversation, the claimant was upset and asked another manager if she could go home, saying something about quitting her employment. The claimant left and when her supervisor returned, she was advised the claimant was possibly going to quit over their conversation, which surprised the supervisor. On the following morning, the claimant called the other manager and asked if she could take two weeks vacation as her notice so she

could look for another job. She was advised to speak with her supervisor who had previously discussed the issue with the employer. Her supervisor told her that she could only take one week and that she needed to report to the executive director on April 30, 2007. The claimant turned in her written resignation on that date but did not discuss anything with the executive director.

The claimant filed a claim for unemployment insurance benefits effective May 6, 2007 and has received benefits after the separation from employment.

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

The issue is whether the claimant's voluntary separation from employment qualifies her 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 section 96.5-1.

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 submitting her written resignation. The claimant quit because of one conversation with her supervisor, which she said made her feel like she was dumb. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). The employer continues to be perplexed as to why the claimant quit her employment as she never mentioned any problems and the supervisor is unaware of what could have upset the claimant in the telephone conversation.

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

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Because the claimant's separation was disqualifying, benefits were paid to which the claimant was not entitled. Those benefits must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The unemployment insurance decision dated May 24, 2007, reference 01, is reversed. 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. The claimant is overpaid benefits in the amount of \$1,440.00.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs