

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

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**SHYKERRIA WILSON**  
Claimant

**CENTRAL IOWA MEDICAL BILLING INC**  
Employer

**APPEAL 23A-UI-03673-DZ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/19/23**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Shykerria Wilson, the claimant/appellant,<sup>1</sup> filed an appeal from the Iowa Workforce Development (IWD) April 6, 2023 (reference 01) unemployment insurance (UI) decision. The decision denied Ms. Wilson REGULAR (state) UI benefits because IWD concluded that she voluntarily quit on March 17, 2023 for personal reasons and the employer did not cause her quit. The Iowa Department of Inspections and Appeals UI Appeals Bureau mailed notices of hearing to Ms. Wilson and the employer. The undersigned administrative law judge held a telephone hearing on April 24, 2023. Ms. Wilson participated personally. The employer participated through Clover Sisamouth, president. The undersigned admitted Employer's Exhibits 3-12 as evidence.

**ISSUE:**

Did Ms. Wilson voluntarily quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wilson began working for the employer on November 8, 2022. She worked as a full-time billing representative. Her employment ended on March 17, 2023.

On March 17, 2023, Ms. Wilson emailed a client and asked for a copy of a potential customer's ID. Ms. Wilson cc'ed Ms. Sisamouth on the email. The potential customer had sent a copy of the ID to Ms. Sisamouth and cc'ed Ms. Wilson on February 27. Ms. Sisamouth forwarded the February 27 email to Ms. Wilson. Ms. Sisamouth then sent Ms. Wilson an email directing Ms. Wilson to check with Ms. Sisamouth going forward before emailing a client. Ms. Wilson responded by asking Ms. Sisamouth to review some information and let Ms. Wilson know what information she is missing. Ms. Sisamouth responded by repeating her direction that Ms. Wilson is to check with Ms. Sisamouth going forward before emailing a client. Ms. Wilson responded "Excuse me? I wasn't disrespectful at all. This is something that I should have had months ago. You've been doing credentialing long enough to know that."<sup>2</sup>

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<sup>1</sup> Claimant is the person who filed the UI claim with IWD. Appellant is the person or employer who filed the appeal.

<sup>2</sup> Employer's Exhibit 7, page 1.

Ms. Sisamouth then went to Ms. Wilson's work area to talk in person because Ms. Sisamouth was not sure if Ms. Wilson had received the February 27 email Ms. Sisamouth had forwarded to her since Ms. Wilson did not acknowledge receiving it. Ms. Sisamouth also did not like the way Ms. Wilson spoke to her via email. Ms. Wilson and another employee were in the work area. Ms. Sisamouth told Ms. Wilson that she did not like the way Ms. Wilson had talked to her. Ms. Wilson stood up, began yelling and cursing and stating that she would be not be disrespected. Ms. Wilson took the employer's fob off of her keychain and threw it. Ms. Wilson began trying to sign out of the employer's system but she was fumbling around as she continued to yell and curse. Ms. Sisamouth told Ms. Wilson that Ms. Sisamouth would sign her out.

Eventually, Ms. Wilson signed out and began packing her things. Ms. Wilson picked up a folder. Ms. Sisamouth asked Ms. Wilson to see the folder. Ms. Wilson refused. Ms. Sisamouth told Ms. Wilson that she could not leave with the folder as it may contain confidential information. Ms. Sisamouth stood in the doorway to block Ms. Wilson from leaving. Ms. Sisamouth told Ms. Wilson something to the effect of "This is my space." Ms. Sisamouth stated that she would call the police because Ms. Wilson was trying to take a folder that contained confidential information. Ms. Wilson would not let Ms. Sisamouth look at the folder. Ms. Sisamouth called the police. Eventually, Ms. Wilson pushed Ms. Sisamouth out of the way so she could leave, and Ms. Sisamouth grabbed the folder from Ms. Wilson. Ms. Wilson left and continued yelling as she left. The police arrived after Ms. Wilson had already left. Ms. Sisamouth did not press charges against Ms. Wilson.

Ms. Wilson testified in the appeal hearing that she said one curse word in the in person interaction with Ms. Sisamouth that day and she did not recall saying any other curse words. Ms. Wilson denied pushing Ms. Sisamouth and pointed to the facts that Ms. Sisamouth did not press charges against her and Ms. Sisamouth wrote in a written statement for this appeal that Ms. Sisamouth was not physically hurt as support for her denial. Ms. Wilson further argued that Ms. Sisamouth abused her power by humiliating Ms. Wilson when Ms. Sisamouth talked with her in front of another employee instead of calling Ms. Wilson into the office and when Ms. Sisamouth told Ms. Wilson "This is my space."

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

For the reasons that follow, the undersigned concludes Ms. Wilson's separation from employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(28) 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer.<sup>3</sup> A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention.<sup>4</sup> "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.<sup>5</sup>

The decision in this case rests, at least in part, on the credibility of the witness. It is the duty of the undersigned as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue.<sup>6</sup> The undersigned may believe all, part or none of any witness's testimony.<sup>7</sup> In assessing the credibility of witnesses, the undersigned should consider the evidence using his own observations, common sense and experience.<sup>8</sup> In determining the facts, and deciding what testimony to believe, the undersigned may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice.<sup>9</sup> The findings of fact show how the undersigned has resolved the disputed factual issues in this case. The undersigned assessed the credibility of the witnesses who testified during the hearing, considered the applicable factors listed above, used his own common sense and experience, and concludes that Ms. Sisamouth's testimony is more credible than Ms. Wilson's. Ms. Wilson's testimony was not reasonable and consistent with other believable evidence.

On March 17, Ms. Wilson became upset because Ms. Sisamouth was disrespectful to her. Ms. Wilson's feeling was valid and reasonable. However, Ms. Wilson's response is what became the issue. The evidence establishes that Ms. Wilson, not the employer, ended the employment relationship on March 17. Ms. Wilson did what she thought was best for her but her leaving was not for good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

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<sup>3</sup> Iowa Code § 96.6(2).

<sup>4</sup> *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

<sup>5</sup> *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

<sup>6</sup> *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007).

<sup>7</sup> *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

**DECISION:**

The April 6, 2023 (reference 01) UI decision is AFFIRMED. Ms. Wilson voluntarily left her employment without good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly UI benefit amount, as long as no other decision denies her UI benefits.



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Daniel Zeno  
Administrative Law Judge

April 28, 2023  
Decision Dated and Mailed

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**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

**1. Appeal to the Employment Appeal Board** within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

**2.** If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to **file a petition for judicial review in District Court** within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or 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.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

**1. Apelar a la Junta de Apelaciones de Empleo** dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
4th Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

**2.** Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de **presentar una petición de revisión judicial en el Tribunal de Distrito** dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.