

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ANGELA J HELTON**  
Claimant

**PELLA CORPORATION**  
Employer

**APPEAL NO. 16A-UI-11445-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/02/16**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 19, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 4, 2016. Claimant participated. Employer participated by Miraldo Michel and Mitchell Nunnikhoven. Employer's exhibits 1-4 were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 4, 2016. Claimant had difficulty working the second shift hours that she was hired to work. Claimant had seven instances of absenteeism or tardiness within the three months when claimant worked for employer. On October 4, 2016 claimant received and signed for a first written warning for her absenteeism.

Employer stated that according to its progressive disciplinary policy, claimant was not near being terminated as there must have been at least one additional written warning prior to termination after the warning she'd been given. Employer stated that when claimant was given her written warning claimant stated that the second shift wasn't working for her. She could not continue to work that shift, even though that was the shift she'd been hired to work. Employer said claimant then asked the procedure for quitting employment. Claimant's supervisor then called the human resources director who explained to the supervisor that a two weeks' notice was customary before a quit. The supervisor stated that claimant declined to do this when told of procedures and quit at the time.

Claimant stated that she did not quit, but was terminated from her job.

**REASONING AND CONCLUSIONS OF LAW:**

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). In this matter, the testimony given by both of employer's witnesses was far more credible than that offered by employer as employer showed through its policies and procedures that its actions were in accordance with those procedures. In order for claimant's testimony to be viewed as more credible, the administrative law judge would have to believe that company procedures weren't followed and that both of employer's witnesses were being dishonest. As such, the administrative law judge will look at this matter as a voluntary quit

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because the claimant no longer wished to work second shift.

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.

**DECISION:**

The decision of the representative dated October 19, 2016, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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