

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BILLI J BECKER
Claimant

APPEAL NO. 17A-UI-11407-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HUMACH LLC
Employer

OC: 10/08/17
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Billi Becker (claimant) appealed a representative's October 30, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Humach (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 28, 2017. The claimant participated personally. The employer participated by Jenni Bauer, Human Resources Generalist, and Suzi Whitman, Contact Center Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 May 1, 2017, as a full-time product associate. On October 5, 2017, the employer called the claimant into her monthly one-on-one meeting. The employer told the claimant she would be placed on a performance improvement plan. The claimant became upset and gave the employer her two-weeks' notice of resignation, effective October 19, 2017.

On October 6, 9, 10, and 11, 2017, the claimant properly notified the employer she would not be at work by leaving a voicemail message. Two of the days the claimant said she would not be in because she said she did not have a voice. No reason was given for her absence on the other two days. On October 11, 2017, the employer called the claimant. The employer told the claimant that she was over the limit on her attendance points but if the claimant had a doctor's note, it would be fine. The claimant did not appear for work or notify the employer of her absence after October 11, 2017. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work. When an employee quits work after having been reprimanded, her leaving is without good cause attributable to the employer. The claimant left work after having been reprimanded. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's October 30, 2017, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn