

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAVONNE WOOD

Claimant

APPEAL NO. 07A-UI-09487-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALNUT COMMUNITY SCHOOL DISTRICT

Employer

**OC: 09/02/07 R: 01
Claimant: Respondent (2)**

Section 96.5(1) – Quit
Section 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer, Walnut Community School District, filed an appeal from a decision dated October 8, 2007, reference 01. The decision allowed benefits to the claimant, Lavonne Wood. After due notice was issued, a hearing was held by telephone conference call on October 23, 2007. The claimant participated on her own behalf. The employer participated by Superintendent Jeff Kruse and Business Manager Vicky Travis

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Lavonne Wood was employed by Walnut Community School District from July 1, 1995 until September 5, 2007. She was a custodian, driver, and kitchen helper.

On September 4, 2007, the claimant and school principal Paul Croghan had a disagreement early in the morning when the claimant was asked to do certain custodial tasks. The claimant's husband took her van keys and returned them to the principal, telling him Ms. Wood was "finished." The claimant then requested a meeting with Superintendent Jeff Kruse, which was held September 5, 2007, with her husband, the principal, and another principal, Angie Radloff.

It was the intention of Mr. Kruse to attempt to work through the problems between Ms. Wood and Mr. Croghan and also to discuss his concerns regarding her work performance as a custodian. It was tentatively suggested she be relieved of her custodial duties and remain as a helper and driver. At that point, the claimant became very upset and stated she was going to quit. She was requested to put her resignation in writing, which she did.

Lavonne Wood has received unemployment benefits since filing a claim with an effective date of September 2, 2007.

REASONING AND CONCLUSIONS OF LAW:

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 did not quit because of a change in her contract. Removing her custodial duties was only a tentative suggestion in order to address her problems with the principal and her declining performance. The fact she became upset because the meeting was apparently not going the way she had anticipated is regrettable. However, although the meeting was at her request to discuss her concerns, it is not out of line that the employer had concerns of its own to discuss. Her emotional upset does not constitute good cause attributable to the employer for quitting, as there is no evidence of a lack of professionalism on behalf of the employer, verbal abuse, or unfounded accusations being leveled to persuade her to quit. The record establishes Ms. Wood did not have good cause attributable to the employer and she is disqualified.

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.

The claimant has received unemployment benefits to which she is not entitled. These must be recovered in accordance with the provisions of Iowa law.

DECISION:

The representative's decision of October 8, 2007, reference 01, is reversed. Lavonne Wood is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. She is overpaid in the amount of \$582.00.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw