

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PEGGY L FRITZ**  
Claimant

**APPEAL NO: 15A-UI-01255-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OLD NAVY LLC**  
Employer

**OC: 01/11/15**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 23, 2015 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit for reasons that do not qualify her to receive benefits. The claimant participated at the February 24 hearing. Jacqueline Jones represented the employer, and Shannon Plagman, the area manager, testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The employer rehired the claimant in January 2006. She worked 30 to 35 hours a week as a pricing specialist.

When Plagman supervised the claimant, she talked to the claimant about work performance issues and problems the claimant had with getting signage completed on time. Plagman gave the claimant suggestions and names of people she could contact for assistance or advice on how to get her work completed satisfactorily.

In mid-October 2014 H. M, became the head of the store and asked Plagman how she could help the claimant get her work done satisfactorily. The claimant did not believe the employer provided the assistance she needed to get her work done satisfactorily.

On December 29, 2014, the claimant did not feel well. After lunch, H.M. again talked to the claimant about failing to get the signage completed on time. H.M. had prepared the claimant's final written warning for poor job performance. Instead of signing the final written warning, the claimant told H.M. she was done. She left her keys with the employer and walked out. The claimant was upset that the employer was giving her a final written warning.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When the claimant gave the employer her keys, said she was done and walked off the job, the claimant voluntarily quit. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. (Iowa Code § 96.6(2)).

The law presumes a claimant quits without good cause when she leaves after receiving a reprimand. 871 IAC 24.25(28). The claimant was understandably upset on December 29, but she did not establish that she quit for reasons that qualify her to receive benefits. The claimant even recognized she had quit when she was upset and asked about the possibility of returning to work after she had a chance to calm down. By the time the claimant had calmed down, the employer accepted her resignation and did not ask her to return to work. As of January 11, 2015, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's January 23, 2015 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. As of January 11, 2015, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs