

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANET ROCAREK
Claimant

APPEAL NO. 06A-UI-09883-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MID AMERICA HOUSING PARTNERSHIP
Employer

**OC: 09/10/06 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Janet Rocarek (claimant) appealed an unemployment insurance decision dated September 29, 2006, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Mid America Housing Partnership (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 24, 2006. The claimant participated in the hearing. The employer participated through Amy Hepker, Human Resources and Compliance Coordinator. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time data entry specialist from April 11, 2005 through September 13, 2006, when she voluntarily quit her employment. The employer met with the claimant on September 11, 2006 to tell her she had a bad attitude and there had been complaints from her co-workers. The claimant was upset about those comments and told the employer several times that maybe it was time for her to leave. The employer told her to take the rest of the day off to think about things. She told her co-worker before leaving that day that it had been nice working with her. The claimant called the employer on September 13, 2006 and said she would not be returning to work.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated her intent to quit and acted to carry it out when she called the employer and said she would not be returning to work. She last worked on September 11, 2006, when she met with the employer and was told she had a bad attitude. The claimant had no intentions of quitting prior to that meeting, but the complaint upset her so much that she said maybe it was best she leave. She told her co-worker it had been nice working with her and went home early that day. She did not report to work on September 12, 2006 and gave notice on September 13, 2006.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated September 29, 2006, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw