



DECISION DIGEST

Actual cases and rulings from Princeton Claims Management

INTENT DETERMINES UI ELIGIBILITY

NOVEMBER 2016

Background

Following a corrective counseling meeting with her supervisor for poor work performance, a frustrated surgical technician (employee) walked off her job, stating “I’m out of here.” The employer considered this statement as the employee’s resignation and began the replacement process. A few days later and after the employee collected her thoughts, the employee called her supervisor to apologize and ask for her job back, stating that she was very upset and did not intend to quit. The employer did not rescind the resignation.

Process

The former employee (claimant) filed an unemployment claim and was held eligible for benefits without disqualification, as it was determined that she did not intend to quit. The employer disagreed and filed an appeal contending the claimant’s job abandonment rose to a voluntary leaving of the job and she should be disqualified from benefits.

The claimant, the employer’s witness and agent, Princeton Claims Management (PCM) appeared for the hearing. Both parties acknowledged the claimant was upset about being counseled. The employer’s witness testified that she wanted the claimant to succeed and considered the counseling as an opportunity for improvement. Unfortunately, the claimant viewed the counseling as punitive and let her emotions overrule when she walked off the job.

The employer argued that walking off the job constitutes a voluntary leaving given the seriousness of abandoning one’s job duties in a healthcare environment. The claimant contended it was not her intent to resign that day and the employer should have taken her back when she returned to apologize.

Judgment

The examiner rejected the employer’s argument and held that since the claimant left the job in a “mentally frustrated state” and returned a few days later to ask for her job back, she cannot be held to have “left work in the meaning of having severed her employment relationship with intent not to return.” However, “walking off the job is a serious violation in a healthcare environment and warrants consequences.” Therefore according to N.J.S.A. 43:21-5(b), the separation was deemed a discharge for simple misconduct, as the claimant’s actions were a “willful and deliberate disregard of the employer’s best interests.”

This case illustrates that the DOL liberally interprets the NJ UI Law on behalf of claimants and must be convinced an employee intended to quit to impose the voluntary leaving disqualification.

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