

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MICHAEL J THOMPSON**  
Claimant

**APPEAL NO: 19A-UI-04319-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AERO PLBG & HTG CO**  
Employer

**OC: 04/28/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant, Michael J. Thompson, filed an appeal from the May 20, 2019, (reference 02) unemployment insurance decision that denied benefits based upon the claimant's separation from this employer. The parties were properly notified about the hearing. A telephone hearing was held on June 19, 2019. The claimant participated personally. Mike Wilcher also testified for the claimant. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing.

The administrative law judge took official notice of the administrative records including the fact-finding documents. Claimant Exhibit A (appeal letter) was admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a journeyman plumber beginning in 1994 and was separated from employment on May 1, 2019, when he quit the employment to retire. Continuing work was available.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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(24) 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:

(24) The claimant left employment to accept retirement when such claimant could have continued working.

In this case, the claimant quit upon being eligible for retirement. While the claimant had personally compelling reasons to quit, he has failed to establish he quit with good cause attributable to the employer according to Iowa law. Accordingly, benefits must be denied.

**DECISION:**

The May 20, 2019, (reference 02) decision is affirmed. The claimant quit without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/rvs