

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SUE E COYLE
Claimant

PELLA CORPORATION
Employer

APPEAL 17A-UI-01254-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/08/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(24) – Retirement

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 1, 2017 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit working in order to retire. The parties were properly notified of the hearing. A telephone hearing was held on February 23, 2017. The claimant, Sue Coyle, participated. The employer, Pella Corporation, participated through Stephanie Weaver, HR Business Partner. Claimant's Exhibit A and Employer's Exhibits 1, 2, and 3 were received and admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a HR Service Center team leader, from June 14, 2004, until January 4, 2017, when she retired. The employer offered a Voluntary Retirement Incentive Program in September 2016, and claimant opted to participate in the program. According to the employer's documentation, employees who opted to voluntarily retire through this program were informed "the effective date of retirement must be no later than December 2, 2016, understanding business needs could dictate limited exceptions." (Exhibit A) Claimant signed this paperwork, though she expressed that she would prefer to extend her employment through March 2, 2017. (Exhibit A) After claimant completed and submitted the paperwork, she received an email from Tricia VanZee in Human Resources. This email informed claimant that her last day would be December 31, 2016. Both parties agree that continuing work was available had claimant not opted to retire.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was without good cause attributable to the employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Here, the administrative law judge understands that claimant wanted to continue her employment well beyond December 2, 2016. However, the average person in claimant's situation would understand that participating in the Voluntary Retirement Incentive Program meant agreeing to a last day of work on December 2 or a date of the employer's choosing due to business needs.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant completed the paperwork opting to participate in the Voluntary Retirement Incentive Program. Claimant's separation from the employment was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The February 1, 2017 (reference 01) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time she becomes eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed