

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JEANNIE R DYKSTRA
Claimant

NEXTERA ENERGY DUANE ARNOLD LLC
Employer

APPEAL NO. 19A-UI-00896-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/30/18
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 29, 2019, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 15, 2019. Claimant participated. Employer participated by hearing representative Susan Chemelovsky and witness Tim Garman.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 31, 2018. Claimant voluntarily quit on that date as a part of an early-retirement package claimant chose to accept.

In July, 2018, claimant and others eligible for retirement with sufficient years of service for employer were offered an enhanced separation package as a part of employer's long range plans to decommission the nuclear facility where claimant worked. The employees could choose early retirements, and in exchange for doing so they would have one years' salary put into their existing pension plan. If employees chose not to accept this plan they would have their jobs available to them for at least two more years. Claimant chose to accept the plan. At the time she chose to retire, there was still ongoing work available to her.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she felt it in her best interest to take early retirement in order to bolster her pension.

Ordinarily “good cause” is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O’Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). “The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith.” *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). “Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee’s quit in order to attribute the cause for the termination.” *Id.* In this matter, claimant did have her job available to her for two more years, at the least. She made an understandable strategic decision to get a great boost to her pension by retiring early from her position. Such decision was hers alone and not forced on her by employer. She had a good cause to quit her employment – to get a full year’s salary added to her pension when she might end up losing her job two years later anyway – but said good cause was claimant’s decision alone to make and was not attributable to employer.

DECISION:

The decision of the representative dated January 29, 2019, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant’s weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn