

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**MICHELE A THOE  
PO BOX 905  
WAUKEE IA 50263**

**AMERICAN REPUBLIC INSURANCE CO  
NAT'L HEADQUARTERS BLDG  
601 – 6<sup>TH</sup> AVE  
DES MOINES IA 50334**

**Appeal Number: 06A-UI-00955-DT  
OC: 12/18/05 R: 02  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Michele A. Thoe (claimant) appealed a representative's January 25, 2006 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from American Republic Insurance Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 13, 2006. The claimant participated in the hearing. The employer's representative, Emily Stevens, was not available when called for the hearing; however, she later agreed that the administrative law judge should make a decision based upon the information provided by the claimant during the hearing. Based on the evidence, the arguments of the claimant, 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 for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on June 21, 2004. She worked full time as a customer service representative. Her last day of work was August 29, 2005. On or about that date, the claimant sent her supervisor an email offering her two-week notice of resignation. She had entered into an independent contractor relationship with another insurance company to become an agent on a 100 percent commission bases. Her taxes would be reported under a form 1099. She would determine her own work schedule.

The employer determined to waive the claimant's offered two-week notice. Therefore, the claimant began her activities with the other insurance company as of September 1, 2005. That insurance company then determined to end the claimant's contract, as well as other agent's contracts, as of December 31, 2005. The claimant established her claim for unemployment insurance benefits upon learning of the impending termination of her contract with the other insurance company.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

Iowa Code section 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.

871 IAC 24.25 provides that, 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 claimant did express her intent not to continue to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits as of the intended date of her quit (September 11, 2005) unless she voluntarily quit for good cause attributable to the employer.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code §96.6-2. A quit for new employment would not be disqualifying. Iowa Code §96.5-1-a. However, the claimant's relationship with the other insurance company was not employment; rather, it was an independent contract / self-employment relationship. Iowa Code §96.19-18-a(2). While she did not anticipate the ending of her independent contractor relationship with the other insurance company, she did quit employment with the employer in order to pursue this self-employment opportunity with the other insurance company. While the claimant had a good personal reason for quitting, her quitting of her employment with the employer was not for a good cause attributable to the employer. 871 IAC 24.25(19). The claimant has not satisfied her burden. Benefits are denied until she has earned ten times her weekly benefit amount in covered wages.

DECISION:

The representative's January 25, 2006 decision (reference 02) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of September 11, 2005, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

ld/pjs