

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID M SIMS
Claimant

APPEAL NO. 09A-UI-07452-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CENTRAL IOWA HOSPITAL CORP
Employer

OC: 04/12/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(37) – Voluntary Resignation

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a department decision dated May 5, 2009, reference 01, that held he voluntarily quit work on November 21, 2008, and benefits are denied. After due notice was issued, a telephone conference hearing was held on June 1, 2009. The claimant did not participate. Barb Owca, Human Resource Business Partner, participated on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left employment with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness, and having considered all of the evidence in the record, finds: The claimant worked for the employer from May 5, 2004, to November 21, 2008, as a full-time, supply technician. The claimant gave a two-week notice to his manager that he was resigning from employment that he submitted in letter form. Although the claimant raised some issues as to why he was resigning, he refused to meet with Human Resources to discuss his reasons for leaving.

The employer accepted the claimant's resignation and he left employment on November 21, 2008.

Although a notice of the date and time for hearing was mailed to the claimant to his address of record, he failed to call in for the hearing.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that the claimant voluntarily quit employment when he submitted his resignation that was accepted by the employer that is without 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(37) 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:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The employer's testimony establishes that the claimant gave two weeks' notice and submitted his resignation that was accepted by the employer, and that he failed to discuss his reasons for leaving. Since the claimant failed to disclose the details as to his reasons for leaving the employment, those reasons may not be considered as good cause attributable to the employer for his separation from employment.

DECISION:

The May 5, 2009, reference 01, decision is affirmed. The claimant voluntarily quit without good cause attributable to the employer effective November 21, 2008. Benefits are denied until the claimant has worked in and been paid wages equal to ten times his weekly benefit, provided he is otherwise eligible.

R. L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs