

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSEPH LARSEN
Claimant

CITY LAUNDERING CO
Employer

**Case No. 21IWDUI2004
APPEAL 21A-UI-02533**

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/30/20
Claimant: Appellant (4)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Joseph Larsen appealed from a December 30, 2020 (reference 01) decision denying unemployment insurance benefits. The parties were properly notified of the hearing. A telephone hearing was held on February 26, 2021. Joseph Larsen appeared self-represented and testified. Dara Jensen, Kevin Wormwood, and William Montya appeared on behalf of the employer City Laundering Co (“City Laundering”).

ISSUE:

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

City Laundering specializes in uniform rentals and cleaning, mat cleaning and servicing, and first aid products. Joseph Larsen began his employment with City Laundering on December 16, 2019. He worked full time as a sales and service representative. His direct supervisor was Kevin Wormwood.

Over the course of his employment, Larsen became dissatisfied with his compensation, schedule, and job responsibilities. Larsen received a job offer for a sales position with another company, with an anticipated start date in mid-September 2020.

On or about September 1, 2020, Larsen informed Wormwood via text he received an offer for employment with another company with better compensation. According to Wormwood, Larsen additionally informed him that his last date with City Laundering would be September 10, 2020. According to Larsen, he stated in that text that he was considering this offer of employment, and that if he accepted it, his last day would be September 10, 2020.

Approximately a day or two later, Wormwood informed Larsen he had spoken with his supervisor, and that City Laundering decided to accept his resignation effective immediately. Accordingly, City Laundering considered his last day of employment as September 1, 2020. Wormwood then made arrangements to collect Larsen's company-issued items and equipment. It is undisputed that Larsen made no attempt at that time to clarify he had not intended to resign or otherwise voice his protest over City Laundering's decision.

Thereafter, Larsen was scheduled to begin training for his new position on September 16, 2020. He was later informed by the new company that the training class had been canceled, and his position had been eliminated because of a hiring freeze.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the December 30, 2020 (reference 01) unemployment insurance decision that found Larsen ineligible for benefits is affirmed.

"An individual shall be disqualified for benefits . . . if the individual has left work voluntarily without good cause attributable to the individual's employer . . ." 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." Iowa Admin. Code r. 871-24.25.

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. Iowa Admin. Code r. 871-24.25(37). Where the claimant gave the employer advanced notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation. Iowa Admin. Code r. 871-24.25(38).

The employer has the burden of proving the claimant is disqualified for benefits for voluntarily quitting his or her position. Iowa Code § 96.6(2) & 96.5(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

In this matter, the employer claimed Larsen sent a text to his supervisor informing him of his new employment and date of resignation, thus voluntarily quitting his employment and disqualifying him from benefits. Larsen, in turn, maintained his text informed his supervisor that he was considering a new job and potential date of resignation, and that he did not officially resign from his position.

At hearing, the employer claimed to have a copy of the text at issue and the record was left open to submit said evidence to the undersigned administrative law judge. The employer failed to do so by the stated deadline. Additionally, at hearing Larsen introduced testimony and evidence that he argued show City Laundering's overall lack of credibility and character.

Nevertheless, the undersigned administrative law judge finds the employer's testimony more credible than Larsen's in this case. The undersigned does not believe Larsen texted he was merely considering an offer while also providing a specific resignation date, particularly when the proposed date of resignation gave only nine days' notice to his employer. The undersigned also finds the employer's version more credible because Larsen did not protest or attempt to

clarify any sort of miscommunication when he was informed his resignation was effective immediately.

For these reasons, the undersigned finds Larsen voluntarily quit his employment with City Laundering effective September 10, 2020, and that he voluntarily left without good cause attributable to his employer. Larsen is thus disqualified from unemployment benefits as of that date. Because Larsen's advanced resignation caused City Laundering to discharge him before the effective date of his resignation, Larsen is eligible for benefits from his date of discharge, September 1, 2020 through his date of resignation, September 10, 2020.

DECISION:

The December 30, 2020 (reference 01) unemployment insurance decision is MODIFIED. Claimant voluntarily quit his employment without good cause attributable to his employer effective September 10, 2020. The employer discharged claimant effective September 1, 2020 on the basis of his voluntary quit without good cause attributable to the employer. Claimant is not disqualified from receiving benefits from September 1, 2020 through September 10, 2020, provided his is otherwise eligible.



Kristine M. Dreckman
Administrative Law Judge
Department of Inspections and Appeals
Administrative Hearings Division

March 8, 2021

Decision Dated and Mailed

KMD:aa

CC: Joseph Larsen (by first class mail)
City Laundering Co (by first class mail)
Nicole Merrill (email)
Joni Benson (email)

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.