

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MELONIE M KLOWONN**  
Claimant

**APPEAL 15A-UI-04951-EC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NATIONWIDE MUTUAL INSURANCE CO**  
Employer

**OC: 03/22/15  
Claimant: Appellant (1)**

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Iowa Code §96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-24.25(29) – Voluntary Quit in Anticipation of a Layoff

**STATEMENT OF THE CASE:**

The claimant/appellant, Melonie Klawonn, filed an appeal from the April 22, 2015, (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting her employment on February 28, 2015. The parties were properly notified about the hearing. A telephone hearing was held on June 1, 2015. The claimant participated. The employer, Nationwide Mutual Insurance Co., participated through Keaton Sebastian.

**ISSUE:**

Was the separation from employment a voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed by Nationwide Mutual Insurance Co. as a full-time mortgage underwriter from September 20, 2010, until her separation from employment on February 27, 2015. The claimant provided a two-week notice to her supervisor, in person and in writing, on February 13, 2015. She worked for this employer until those two weeks ended on February 27, 2015. (Klawonn testimony; Sebastian testimony)

The claimant decided to quit this job due to an upcoming transition in her department to another city and state. She quit because she believed that she would have been laid off if she did not quit. (Klawonn testimony) She had not yet received any official notice that her job would be eliminated or that she would be laid off. Her job and her work duties were still available at the time she quit this job. The employer had not yet decided that her position would be eliminated as of the time she left this employment. (Sebastian testimony)

On January 27, 2015, the claimant was informed that the mortgage operations unit would be relocated to Columbus, Ohio. She learned this in meetings. She could not relocate to Columbus, Ohio for various reasons. She tried to find another position with Nationwide without success. She found a new position with another employer. (Klawonn testimony)

## REASONING AND CONCLUSIONS OF LAW:

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

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(29), (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 § 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 § 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:

(29) The claimant left in anticipation of a layoff in the near future; however, work was still available at the time claimant left the employment.

(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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). This claimant failed to meet this burden. She decided to quit her job before she was officially informed of any layoff. She decided to quit her job when work was still available to her, before her employer made any decisions regarding whether or not her position would be eliminated.

The claimant believed that she would be laid off, and searched for another job based on that belief. She found another position with another employer after an unsuccessful search for another job with Nationwide Mutual Insurance Co. Even though the claimant's decision to leave her employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

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). This claimant clearly provided her intention to resign or quit to her supervisor in person and in writing, on February 13, 2015. She continued to work for the next two weeks, until February 27, 2015, her last day of work with this employer.

**DECISION:**

The April 22, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Emily Gould Chafa  
Administrative Law Judge

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Decision Dated and Mailed

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