

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TINA L DUTTON**  
Claimant

**COLLINS-MAXWELL COMMUNITY SCHOOL**  
Employer

**APPEAL 18A-UI-06416-NM-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 05/06/18**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 6, 2018, (reference 01) unemployment insurance decision that denied benefits based on her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on June 27, 2018. The claimant participated and testified. The employer participated through Business Manager Lisa Waddell. Claimant's Exhibit A was received into evidence.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as an administrative assistant from October 17, 2016, until this employment ended on May 8, 2018, when she voluntarily quit.

In the spring of 2018 claimant was notified that the employer was doing some restructuring and, as a result, her contract would not be renewed. Claimant was told her last day of work would be June 30, 2018. Over the next several weeks, claimant testified the work environment was awkward and uncomfortable, as people would not speak to her and she was present when another employee was being trained to perform her job duties. On May 8, 2018, claimant sent an email to Waddell notifying her she was resigning effective immediately because of these issues at work. Had claimant not resigned, work would have remained available to her until June 30, 2018.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25(29) 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:

(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.

Iowa Admin. Code r. 871-24.25(40) 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:

(40) Where the claimant voluntarily quit in advance of the announced scheduled layoff, the disqualification period will be from the last day worked to the date of the scheduled layoff. Benefits shall not be denied from the effective date of the scheduled layoff.

Iowa Admin. Code r. 871-24.26(13) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(13) A claimant who, when told of a scheduled future layoff, leaves employment before the layoff date shall be deemed to be not available for work until the future separation date designated by the employer. After the employer-designated date, the separation shall be considered a layoff.

In this case, the claimant voluntarily quit the employment on May 8, 2018, in advance of her permanent layoff on June 30, 2018. Since the layoff was scheduled to take effect July 1, 2018, the claimant would be entitled to benefits from that date forward. Because she left in advance of the announced layoff, benefits are denied through the week ending June 30, 2018.

**DECISION:**

The June 6, 2018, (reference 01), decision is modified in favor of the appellant. The claimant voluntarily left the employment in advance of a scheduled layoff. Benefits are denied through June 30, 2018 and allowed effective July 1, 2018, provided the claimant is otherwise eligible.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/rvs