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

GARY MCKNIGHT
Claimant

TRACO A THREE RIVERS
Employer

APPEAL NO. 07A-UI-07685-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07-15-07   R: 01
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 7, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 27, 2007. The claimant participated in the hearing with Laborer James Ahlhelm. Mary Lou Friedman, Human Resources Manager, participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time balance table runner for Traco A Three Rivers from May 14, 2003 to April 13, 2007. On March 30, 2007, the claimant verbally gave his two-week notice of resignation. On March 23, 2007, he told Human Resources Manager Mary Lou Friedman his ride was retiring and he was also upset because his supervisor kept him on the balance table without moving him to other positions. On April 6, 2007, he told Ms. Friedman he wanted to rescind his resignation notice because he found another ride and thought he should secure another job before quitting his present one but the employer refused to let him withdraw his notice because it hired a temporary employee to replace him.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment 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.

In Langley v. EAB, 490 N.W.2d 300 (Iowa App. 1992) a claimant gave the employer a one-month notice of resignation and the employer accepted it and the claimant later tried to withdraw his notice but the employer refused. The Court determined the separation was a quit. Although the claimant in this case sought to rescind his resignation notice the employer is not obligated to accommodate his change of mind and chose not to do so. Therefore, the remaining question is whether the claimant left for good cause attributable to the employer. 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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant was concerned about his ride and not being moved around to different jobs, "The employer has the right to allocate its personnel in accordance with its needs and available resources." Brandl v. IDJS, (Unpublished, Iowa App. 1986). Under these circumstances, the administrative law judge cannot conclude that the claimant has demonstrated that his leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The August 7, 2007, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

_____
Julie Elder
Administrative Law Judge

_____
Decision Dated and Mailed

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