

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JOSE RUESGA**  
Claimant

**CHANGE COURSE**  
Employer

**APPEAL 25A-UI-01490-DS**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/26/25  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On February 20, 2025, the claimant filed an appeal from the unemployment insurance decision dated February 17, 2025, (Reference 01) that denied benefits. The claimant requested an in-person hearing. Notice of hearing was mailed to the parties' last known addresses of record for an in-person hearing to be held on March 21, 2025 at 9:00 a.m. at the Wallace Building, 502 East 9th Street, Des Moines, Iowa. The claimant participated personally. The employer participated through Joseph Johnson, Chief Executive Officer, Dani Mincks, Director for Community Engagement, and Bradford Johnson, Communications Director, and was represented by Attorney Melissa Schilling. Employer Exhibit 1 and Claimant Exhibits B, C, D and J were admitted to the record. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Did the claimant voluntarily quit the employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The administrative law judge finds that:

The claimant was initially hired to work for an automotive detailing entity affiliated with this employer in July of 2024 before transitioning to the Change Course entity in November of 2024. The claimant then worked as a Career Coach and Lighthouse Project Director for Change Course from November of 2024 until January 24, 2025, when he voluntarily quit the employment. The claimant reported to Joseph Johnson as his direct supervisor, and for the purpose of his Career Coach responsibilities the claimant was under Lead Coach Dani Mincks. Part of Mincks' responsibility was to coordinate volunteers for events Change Course participated in.

The weekend of February 2 and 3, 2025, the claimant was to be administering an event at a local church. Essentially, this event involved staffing an informational booth. On the morning of January 24, 2025, Mincks sent an email message and an electronic calendar invitation to the claimant and a volunteer which set the date and time for a volunteer slot for the February 2,

2025, event. (Employer Exhibit 1) This angered the claimant because he felt that Mincks should not be involved in coordinating his events. He approached her and demanded an explanation of her email message. The two discussed her role in the process. The claimant advised Mincks that he felt that she was interfering with his work. After this exchange, Mincks advised Joseph Johnson, Chief Executive Officer, of the claimant's comments. Joseph Johnson then sent an electronic invitation to both the claimant and Mincks for a discussion entitled "Meeting to Unite the Team." The claimant was further angered by this message from Joseph Johnson and confronted Mincks as to whether she had informed Johnson of his earlier issue. When she confirmed that she had, the claimant told Mincks "I'm done." He then turned in his key to the building to Mincks and left the workplace.

The claimant sent a text message to Bradford Johnson later in the afternoon of January 24, 2025, that read, in part, "You've probably already heard that I quit today." (Employer Exhibit 1) Later that day, the claimant sent Bradford Johnson another message stating he would like to come clean out his desk. He then returned to the building after work hours and cleared out his desk and workspace. Bradford Johnson saw the claimant cleaning out his desk.

That same afternoon, the claimant also sent a text message to Joseph Johnson, his direct supervisor and the Chief Executive Officer, and stated, in part, "Joe I love you but I'm done." He further elaborated that he was submitting job applications elsewhere.

Joseph Johnson and his wife had been on a personal trip on Friday, January 24, 2025. The claimant sent an email message in the early morning hours of Saturday, January 25, 2025, essentially asking to return to work on Monday. Joseph Johnson told the claimant that he had "clearly quit and cleaned out your desk.." (Employer Exhibit 1) He instead arranged to meet with the claimant on Tuesday, January 28, 2025, to further discuss the claimant's departure from Change Course. At this meeting, which occurred away from the workplace, the Johnsons advised the claimant that they had accepted his voluntary quit of the employment. The claimant then refused to continue the discussion and left the meeting.

Continuing work was available to the claimant had he not quit the employment and his job was not in jeopardy.

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

The claimant quit the job voluntarily. For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992).

Iowa Admin. Code r. 871-24.18 provides, in relevant part:

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 with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits, but the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code sections 96.5(1)"a" through "i" and 96.5(10). The following reasons for a voluntary quit are be presumed to be without good cause attributable to the employer:

(17) Claimant left because of dissatisfaction with the work environment.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

It is the duty of the administrative law judge, as the trier of fact, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other evidence you believe; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The claimant voluntarily quit the employment by abruptly leaving the workplace on January 24, 2025, and advising multiple co-workers—including his supervisor—that he had quit. The claimant denies that he quit and has presented no credible evidence that the employer discharged him from the employment. This Administrative Law Judge does not find credible the claimant's assertion that he never intended to quit and did not clean out his desk, or that he did not turn his keys in to Mincks but rather put them on her desk to indicate that she should do extra work. The claimant was dissatisfied with his work environment and chose to essentially walk off the job. Further, it is evident that the claimant desired to rescind his quit in the days immediately following his departure, and was upset that the employer instead accepted his quit and did not allow him to return. The quitting was not for a good cause reason attributable to the employer. Benefits are denied.

**DECISION:**

The February 17, 2025, (Reference 01) unemployment insurance decision denying benefits is AFFIRMED. The claimant quit the employment without good cause attributable to the employer. Benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.



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David J. Steen  
Administrative Law Judge

March 31, 2025  
Decision Dated and Mailed

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**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. *There is no filing fee to file an appeal with the Employment Appeal Board.*

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may file a petition for judicial review in district court.

2. If you do not file an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at [www.iowacourts.gov/efile](http://www.iowacourts.gov/efile). *There may be a filing fee to file the petition in District Court.*

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal. *No hay tarifa de presentación para presentar una apelación ante la Junta de Apelación de Empleo.*

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si no presenta una apelación de la decisión del juez ante la Junta de Apelación de Empleo dentro de los quince (15) días, la decisión se convierte en una acción final de la agencia y tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días. Puede encontrar información adicional sobre cómo presentar una petición en [www.iowacourts.gov/efile](http://www.iowacourts.gov/efile). *Puede haber una tarifa de presentación para presentar la petición en el Tribunal de Distrito.*

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.