

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MARANDA L DUHME**  
Claimant

**GRAYSON ENTERPRISES INC**  
Employer

**APPEAL 15A-UI-04408-JCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 6, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on May 11, 2015. The claimant participated. The employer participated through Corey Lugrain.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a prep and line cook and was separated from employment on March 19, 2015, when she resigned without notice. The claimant resigned verbally to front house manager, Morgan Esser, after a disagreement with the employer's owner, Debbie. The claimant was upset regarding an early paycheck from the employer. The claimant tried to rescind her resignation but it was accepted.

The employer reported there are two entities and a second period of employment with the claimant working at the Vinny Vanucchi's location in Galena, Illinois occurred after the claimant's separation with Vinny Vanucchi's in Dubuque, Iowa. The claimant worked two shifts under the second period of employment before separation.

The employer testified employment and wages from the Dubuque location are covered under Grayson Enterprises and employment at the Galena location should be covered under Coco Enterprises. Agency records reflect wages only for Grayson Enterprises and no wages under Coco Enterprises (which would cover the claimant's employment at the Galena, Illinois location.) That separation has not yet been determined at the claims level.

## 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(22), (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 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:

(22) The claimant left because of a personality conflict with the supervisor.

(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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

An employer is not obligated to comply with an employee's request to rescind its resignation letter. In this case, the claimant resigned without notice after a disagreement with the employer's owner, Debbie. The claimant had previously been able to receive her paychecks early and a disagreement arose over the most recent one. The claimant did not want to work with Debbie anymore. The claimant's decision to quit because she did not agree with the supervisor about various issues was not for a good cause reason attributable to the employer. Benefits are denied.

## REMAND:

The second separation issue delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The April 6, 2015, (reference 01) unemployment insurance decision is affirmed. The 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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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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