

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT DENNIS**  
Claimant

**APPEAL NO: 12A-UI-06525-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MOEHL MILLWORK INC**  
Employer

**OC: 05/13/12  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(37) – Resignation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated May 31, 2012, reference 01, that held he voluntarily quit employment with good cause attributable to the employer on May 14, 2012, and benefits are denied. A telephone hearing was held on June 27, 2012. The claimant participated. Alicia Clark, HR Specialist; Bob Lane, Sales VP; Tom Rudd, Owner; and Dan Perry, Inside sales person, participated for the employer. Claimant Exhibit A and Employer Exhibits 1 -5 was received as evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record, finds: The claimant was hired by the employer as a driver on April 1, 1985. He last worked a full-time inside sales support position from January 2012 to May 11. He submitted a written resignation to the employer on May 1 that was accepted. He stated it was not an easy decision as he found it personally and professionally rewarding to work for the employer for 27 years.

During the hearing claimant stated he did not like the 4 job changes he had made in the last 15 months concluding with his final position, and he anticipated another though he had received no employer communication about it. He also claimed he had been harassed by VP Lane that had culminated in a letter to the employer owner on July 25, 2006. He could recall no recent incident that he reported to human resources.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(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:

(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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer effective May 14, 2012 due to resignation.

Claimant accepted the job changes as part of the employment climate, and worked his last past position for several months prior to resigning. His acceptance of the changes does not constitute a good cause attributable to the employer for quitting.

While claimant had a genuine issue with VP Lane in 2006 that culminated in a written complaint, he did not renew the same level of complaint to the employer owner or human resources. His resignation letter gives no hint of this issue nor did he voice it when resigning. His resignation words of professional and personal reward for his 27 years of work are not consistent with a person who is quitting due to harassment.

**DECISION:**

The department decision dated May 31, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on May 14, 2012. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/css