

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

EDWARD L FINCH
Claimant

TEREX USA LLC
Employer

APPEAL NO. 16A-UI-10428-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/05/16
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 23, 2016, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 7, 2016. Claimant participated. Employer participated by hearing representative Steven Zaks, and witness Angie Scribner.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on August 21, 2016. Claimant was separated on August 21 as claimant voluntarily quit.

Claimant accepted a buyout for early retirement. As a part of the negotiations employer told claimant that employer would not dispute claimant's unemployment claim. Claimant stated that he would have thought more, but still would have accepted the buyout if this statement hadn't been made by employer. Claimant received over \$40,000.00 from employer to end his employment.

Claimant stated that employer offered over 40 people buyouts to end their employment and over half of those offered accepted the buyouts. The other people continued working for employer. Employer and claimant agreed that ongoing work was available for claimant had he not taken the buyout.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was paid over \$40,000.00 to quit his employment. Claimant was not forced by employer to quit the employment, and employer continued to have work available for claimant.

Claimant believes this decision was at least partially affected by employer's offer not to contest unemployment should claimant choose to quit. While this aspect is interesting, ultimately the administrative law just must look at the separation simply by asking whether claimant quit for good cause attributable to employer. "Good cause" for quitting focuses on the bad actions of employer that led to a claimant's quit; in this matter, claimant argues that his quit was based partially on the positive offer from employer. This doesn't constitute "good cause".

DECISION:

The decision of the representative dated September 23, 2016, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs