

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CAMILLE L KOENEKE**  
Claimant

**GENTLE DENTAL PC**  
Employer

**APPEAL 21R-UI-25161-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/25/21**  
**Claimant: Appellant (5)**

Iowa Code § 96.5(1) - Voluntary Quit  
Iowa Code § 96.5(2)a - Discharge for Misconduct

**STATEMENT OF THE CASE:**

Camille Koeneker, claimant/appellant, appealed the July 14, 2021, (reference 02) unemployment insurance decision that concluded she was not eligible for unemployment insurance benefits due to voluntarily quitting on August 10, 2021. Administrative Law Judge Hamilton issued a decision dated September 2, 2021 in 21A-UI-15882 that kept the decision in effect due to claimant failing to respond to the hearing notice and failing registering for the hearing. The record was closed at 2:15PM and claimant's appeal was dismissed. A decision of remand was issued by the Employment Appeal Board on November 10, 2021, not vacating the decision, the decision remains in force, directing a hearing with notice be held. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 11, 2022. Claimant personally participated. Employer, Gentle Dental, PC, participated through Stefanie Breslin, office manager. Judicial notice was taken of the administrative records.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

**FINDINGS OF FACT:**

Both claimant and employer agree that there was no separation of employment in August 2021. Claimant most recently started work June 2021 and works there as of January 11, 2022.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily work.

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(37) provides:

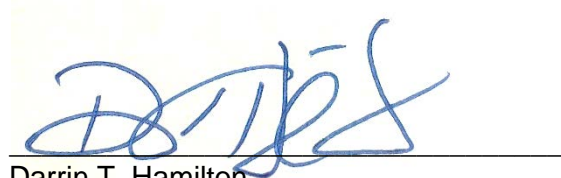
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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: ...

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).

Both parties agree there was no separation from employment in August 2021, nor June 2021, or at any date going forward to the time of the hearing, January 11, 2022. While there is no voluntary quit, with claimant still employed for the same hours and wages, she not eligible for benefits.

**DECISION:**

The July 4, 2021, (reference 02) unemployment insurance decision denying benefits due to a voluntary quit on August 10, 2021, is **MODIFIED** with no change in effect. Claimant is denied benefits due to claimant being employed for the same hours and wages.



Darrin T. Hamilton  
Administrative Law Judge

March 30, 2022  
Decision Dated and Mailed

dh/scn