

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MINDY L CURRY**

Claimant

**APPEAL NO. 09A-UI-04403-E2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS HEALTH SYSTEM**

Employer

**OC: 02/22/09**

**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 16, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 15, 2009. Claimant participated and witness Lisa Voss. Employer did not participate.

**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 February 25, 2009. The claimant submitted a written resignation on February 17, 2009 which provided a two-week period before it was effective. The claimant decided on February 20 she did not want to resign and informed her supervisor Will Renner. The claimant, Mr. Renner and Brandi Tiesman had a meeting on February 25, 2009. At that meeting the employer told the claimant they would not let her rescind her resignation and they terminated her immediately, although they paid her for the rest of the notice period.

**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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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). 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. See 871 IAC 24.25.

Eligibility for unemployment is not strictly determined by contract or other aspect of law that governs employee employer relations. The question is whether the claimant intended to terminate her relationship and was the relationship terminated. The employer has not shown that they were at significant disadvantage because the claimant was conflicted about continuing her employment. The employer can reasonably decide not to allow the claimant to rescind her resignation. However in this case the claimant informed her employer she wanted to continue her employment relationship, when she was still employed. As such she did not voluntarily quit for unemployment purposes. She was still employed when the employer decided to terminate her. The claimant did not commit misconduct.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when she was terminated after she tried to rescind her resignation.

**DECISION:**

The decision of the representative dated March 16, 2009, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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James Elliott  
Administrative Law Judge

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Decision Dated and Mailed

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