

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICK R KOOB**  
Claimant

**APPEAL NO. 12A-UI-01866-VST**

**GOODWILL INDUSTRIES OF NE IA INC**  
Employer

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/08/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated February 15, 2012, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 12, 2012. Claimant participated. The employer participated by Sharon Samec, vice president—human resources. The employer was represented by Jamie Cooper, attorney at law. The record consists of the testimony of Patrick Koob; the testimony of Sharon Samec; and Employer's Exhibit One. Official notice is taken of agency records.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer assists individuals with mental disabilities. The claimant was hired on March 2, 2011, to work at the employer's store in Maquoketa, Iowa. The claimant was a part-time employee. The claimant voluntarily resigned his position on December 3, 2011. He resigned in a letter to the employer. (Exhibit 1) His resignation was accepted by the employer. Work was available had the claimant elected to keep working.

**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.

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.

The evidence in this case established that it was the claimant who initiated the separation of employment. He submitted a written letter of resignation and his resignation was accepted by the employer. The claimant testified that he quit his job because he was treated differently than other employees, particularly female employees. He cited the fact that he was not given keys or a code to open and close the business and that he was not selected for forklift training. Ms. Samec credibly testified that having keys or a code to the building is a responsibility and not all individuals who work at a store are given the responsibility of opening and closing. The decision to giving keys is not based on gender. Most employees do not have the responsibility of driving forklifts either. Usually only managers or assistant managers drive the forklifts. Driving a forklift is not part of the claimant's job description.

The claimant's resignation letter also cites a recent disciplinary action. The claimant testified at the hearing that he was suspended for three days and he did not know why. This testimony from the claimant is rejected. The findings of fact show how the administrative law judge resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and the reliability of the evidence and by applying the proper standard and burden of proof. There is no plausible evidence that the claimant ever was suspended. Ms. Samec testified that she must be informed about all suspensions and there is no record that she or anyone else was consulted on a suspension. The claimant's testimony on this issue was not consistent. He first said he had no idea why he was suspended and later said he was suspended for insubordination.

The claimant elected to resign his position and his resignation was accepted. There is no credible evidence that he did so for good cause attributable to the employer. Benefits are denied.

**DECISION:**

The decision of the representative dated February 15, 2012, reference 01, 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.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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