

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEAN G MARTIN**  
Claimant

**APPEAL NO: 15A-UI-00731-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORDSTROM INC**  
Employer

**OC: 12/14/14**

**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

Dean G. Martin (claimant) appealed a representative's January 5, 2015 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Nordstrom, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 9, 2015. The claimant participated in the hearing. Thomas Kuiper of Equifax/TALX Employer Services appeared on the employer's behalf with two witnesses, Robin Pospisol and Paul Anderson. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision modifying the representative's decision and allowing the claimant benefits.

**ISSUE:**

Did the claimant voluntarily quit, and if so is he disqualified from receiving unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant's last day of work for the employer was September 28, 2014. He voluntarily quit as of that date. After September 28, 2014 the claimant worked for another employer and received insured wages in excess of \$3,520.00. He was temporarily laid off from that employer on or about December 12, 2014 and claimant established an unemployment insurance benefit year effective December 14, 2014. His weekly benefit amount was calculated to be \$352.00.

**REASONING AND CONCLUSIONS OF LAW:**

Rule 871 IAC 24.25 provides that, 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 claimant did express his intent not to return to work with the employer. A voluntary leaving of employment requires

an intention to terminate the employment relationship. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would normally be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause attributable to the employer. The September 28, 2014 quit is considered to have been without good cause attributable to the employer.

Iowa Code § 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge further concludes from the available information that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The representative's January 5, 2015 decision (reference 02) is modified in favor of the appellant. The claimant voluntarily left his employment without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed as of December 12, 2014, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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