

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**GAROLD L WILLIAMS**  
Claimant

**EMC ACQUISITIONS INC**  
Employer

**APPEAL 18A-UI-06023-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/06/18**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Garold L. Williams (claimant) filed an appeal from the May 25, 2018, reference 01, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with EMC Acquisitions, Inc. (employer) for personal reasons which is not a good cause reason attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on June 18, 2018. The claimant participated. The employer did not respond to the hearing notice and did not participate. No exhibits were offered into the record.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as an Assembler beginning on June 25, 2012, and was separated from employment on May 1, 2018, when he quit.

The claimant suffered a work-related injury on or about March 17, 2014. He filed a workers' compensation and had four surgeries as a result. He worked intermittently with restrictions throughout the next four years. During his last month of employment, the claimant was restricted to lifting no more than ten pounds on his right side, forty pounds on his left side, and an eight-hour a day, forty-hour work week. The employer assigned him to work that was within his restrictions.

On May 1, 2018, the claimant and employer participated in mediation to settle the workers' compensation claim. The claimant agreed as part of the settlement to resign his position effective immediately. The parties reached a resolution and the claimant tendered his resignation. Had the claimant not agreed to settle the claim, he could have continued working and pursuing his workers' compensation claim. The claimant opted to resign so that he could obtain some favorable terms and closure to move on with his life as the workers' compensation claim had been pending for four years.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 provides, in relevant part:

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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

...

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The Iowa Employment Security Law was established to provide unemployment reserves for those who are unemployed through no fault of their own. Iowa Code § 96.2. In a voluntary quit situation, the 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).

In this case, the claimant could have remained employed but opted instead to leave employment in order to settle his workers' compensation claim. The claimant had continuing work available to him had he chosen to continue pursuing his workers' compensation claim.

*See Edward v. Sentinel Management Company*, 611 NW2d 366 (Minn. App. 2000), holding an employee quit without good cause attributable to the employer as part of a workers' compensation settlement when he could have continued working and pursuing his workers' compensation claim. While the claimant's decision to leave employment may have been based upon good personal reasons such as closure with regard to an ongoing legal dispute, it was not for a good-cause reason attributable to the employer. Benefits are denied.

**DECISION:**

The May 25, 2018, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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