

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RYAN L MIRANDA
Claimant

APPEAL NO: 12A-UI-05335-ST

FARM SERVICE COOPERATIVE
Employer

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/08/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(37) – Resignation

STATEMENT OF THE CASE:

The claimant appealed a department decision dated May 1, 2012, reference 02, that held he voluntarily quit without good cause attributable to his employer on October 10, 2011, and benefits are denied. A telephone hearing was held on May 31, 2012. The claimant participated. Pam Gubbels, HR Manager, Bob Berndt, Branch Manager, and Ron Kenkel, Agronomy Division Manager, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time operator from September 1, 2011 to October 7 at the Shelby, Iowa business location. He was told at the time of hire he would be considered for a sales training position.

The employer called claimant into a meeting on October 10 to discuss some work issues. The employer learned from another employee that claimant worked for someone else, which he did not list on his employment application. When asked why, the employer understood claimant to say the employer would not have hired him if he listed everyone. The employer questioned claimant if he was the person who pumped 16 gallons of gas after hours for his personal use. Claimant denied it. The employer advised claimant it had some trust issues to the point that it would no longer consider him for a sales position. Claimant responded that it did not appear he had any future with the employer, signed a resignation form and left employment.

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.

871 IAC 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:

(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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to resignation for personal reasons effective October 10, 2011.

The employer did not ask or force claimant to resign. While the claimant learned the employer had a serious trust issue with him to the point it would no longer consider him for a sales-trainee position, it did not state he could no longer work his contract for hire job as an operator. While it is understandable that claimant perceived his opportunity for advancement with the employer was limited, this personal reason for quitting is not with good cause attributable to the employer.

DECISION:

The department decision dated May 1, 2012, reference 02, is affirmed. The claimant voluntarily quit without good cause due to his resignation on October 10, 2011. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css