

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTINE K. PRICE**  
Claimant

**APPEAL NO. 09A-UI-08360-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PELLA CORPORATION**  
Employer

**OC: 04/26/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 5, 2009, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 25, 2009. Claimant participated. Employer participated by Bob Larson, Human Resources Manager. The record consists of the testimony of Kristine Price; the testimony of Bob Larson; and Employer's Exhibits 1-3.

**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 claimant originally began her employment with Pella Corporation on September 30, 1992. She held a number of different jobs while working for Pella. At the time of her separation from the employer, she worked in the stockroom. The claimant, along with other employees, was offered some options in December 2008, including retirement; voluntary layoff; voluntary termination; and continuing to work.

On December 18, 2008, the claimant signed a voluntary resignation statement. The statement included the following sentence: "I voluntarily resign my employment with Pella Corporation, and my resignation is not because of any conditions or conduct by Pella Corporation nor its employees." On an exit interview form, the claimant said that she was leaving in order to go to college.

The claimant's last day of work was December 23, 2008, and her final day of employment was January 2, 2009. The claimant received 16 weeks of pay and was allowed to continue her insurance through the end of April.

## **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.

The evidence in this case established the claimant voluntarily quit her employment without good cause attributable to the employer. The claimant did testify that one of the reasons she elected to resign voluntarily was that she was suffering from aches and pains, particularly in her left shoulder, and increased blood pressure and headaches as a result of stress. She said that she did tell her managers that she needed to have a different job because of all of these problems. It was not entirely clear whether any or all of the claimant's health concerns were work related, although she did receive medical care in the form of ice, rest and Tylenol from the company nurse. There were no medical records to indicate that the claimant was advised by any healthcare provider that her medical problems required a different job or resignation.

The claimant did not cite any medical reasons for her resignation but rather indicated that she was leaving in order to return to college. She took advantage of a program offered to Pella employees to resign and receive 16 weeks of pay and continued insurance. There was no evidence to show that her decision to voluntarily quit allowed another employee to keep his or her job.

The claimant has not sustained her burden of proof to show that she voluntarily quit with good cause attributable to her employer. Benefits are denied.

## **DECISION:**

The decision of the representative dated June 5, 2009, reference 02, 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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