

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LIBERTY M ARMSTRONG
Claimant

APPEAL NO. 19A-UI-07018-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BUNN-O-MATIC CORPORATION
Employer

OC: 08/04/19
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Liberty Armstrong filed a timely appeal from the August 29, 2019, reference 02, decision that disqualified her for unemployment insurance benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that Ms. Armstrong voluntarily quit on August 5, 2019 without good cause attributable to the employer. After due notice was issued, a hearing was held on September 26, 2019. Ms. Armstrong participated. Jenny Robinson represented the employer and presented additional testimony through Boyd Hawn, Stephanie Blazek and Waasay Mirza. Exhibits A through K were received into evidence.

ISSUES:

Whether Ms. Armstrong voluntarily quit without good cause attributable to the employer.

Whether the employer discharged Ms. Armstrong for misconduct in connection with the employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Liberty Armstrong was employed by Bunn-O-Matic Corporation as a full-time Assembler from 2017 until August 5, 2019, when she voluntarily quit the employment. Ms. Armstrong's work hours throughout the employment were 7:00 a.m. to 3:30 p.m., Monday through Friday. In Spring 2019, Ms. Armstrong decided to further her academic studies by returning to school. Ms. Armstrong mentioned to her supervisor that she would be interested in returning to perform work for Bunn-O-Matic on a part-time basis as an employee of Manpower once she left her full-time employment at Bunn-O-Matic. Bunn-O-Matic has an agreement with Manpower wherein Manpower provides full-time workers for temp-to-hire assignments at Bunn-O-Matic. Ms. Armstrong's supervisor agreed to look into whether there would be a need for a part-time temp worker, but did nothing to commit the employer or Manpower to such an arrangement.

On June 5, 2019, Ms. Armstrong provided her written resignation to Bunn-O-Matic on a form provided by the employer. On the form, Ms. Armstrong indicated her last day in the employment would be August 5, 2019. Ms. Armstrong planned to commence full-time academic

studies later in August 2019. Both Ms. Armstrong and the supervisor signed the resignation form. The supervisor provided a copy to Ms. Armstrong and forwarded the original to the employer's human resources personnel for processing. The supervisor followed up with an email message to the human resources personnel in which noted Ms. Armstrong's continued interest in returning to perform for the employer as a part-time employee of Manpower following her separation from the full-time employment.

On August 2, 2019, the employer notified Ms. Armstrong that the employer did not intend to have Ms. Armstrong return to perform additional work for the employer as a part-time employee of Manpower following her separation from the full-time employment. In making that decision, the employer considered Ms. Armstrong's disciplinary history. Ms. Armstrong promptly attempted to rescind her quit notice. The employer declined to go along with rescission of the quit notice and cited a practice of not allowing employees to rescind quit notices. Ms. Armstrong worked to the end of her shift on August 5, 2019, the effective quit date. At the end of that shift, Ms. Armstrong's supervisor collected her employee badge per standard operating procedure and escorted Ms. Armstrong from the property.

Ms. Armstrong commenced her full-time academic studies in August 2019.

REASONING AND CONCLUSIONS OF LAW:

A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, or failure to pass a probationary period. Iowa Administrative Code rule 871-24.1(113)(c). A quit is a separation initiated by the employee. Iowa Administrative Code rule 871-24.1(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 Iowa Administrative Code rule 871-24.25.

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(26) and (37) provides, in relevant part, as follows:

Voluntary quit without good cause. ... The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

...

(26) The claimant left to go to school.

...

(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. ...

The weight of the evidence in the record establishes that Ms. Armstrong voluntarily quit the full-time employment effective August 5, 2019 without good cause attributable to the employer. Ms. Armstrong gave notice to the employer on June 5, 2019 of her intention to resign effective August 5, 2019. The evidence indicates the employer accepted the resignation and processed it as a bona fide resignation. The evidence establishes that Ms. Armstrong left the employment to go to school. Once Ms. Armstrong had submitted her resignation and the employer had accepted the resignation, the employer was under no obligation to allow Ms. Armstrong to rescind the resignation. Nor was the employer under any obligation to facilitate a subsequent return to work for the employer as a part-time employee of another business entity. Ms. Armstrong is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. Ms. Armstrong must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

DECISION:

The August 29, 2019, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective August 5, 2019. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs