

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTOPHER C HAHN
Claimant

CARRY-ON TRAILOR INC
Employer

APPEAL 22A-UI-03496-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/07/20
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 16, 2021, (reference 01) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on May 19, 2022. The claimant, Christopher C Hahn, participated personally. The employer, Carry On Traylor Inc, did not participate. Claimant's exhibits were admitted.

ISSUES:

Did claimant voluntarily quit the employment on June 7, 2020 with good cause attributable to employer?

Was the claimant discharged on June 7, 2020 for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a supervisor of the load crew. His immediate supervisor was Monty Most. His last day physically working on the job was September 11, 2020. Claimant informed his employer he was going to resign to help care for his newborn child. Claimant told his employer he did not want his employer to hold the position for him as he didn't know when or if he would be able to return. The claimant's job was not in jeopardy at the time of his resignation.

Claimant was temporarily laid off during the month of June 2020 due to lack of work and COVID.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §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.

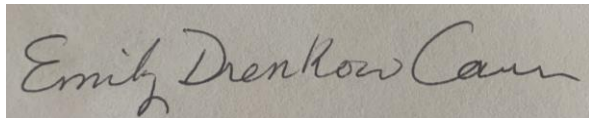
A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

In this case claimant tendered his verbal resignation to his employer and his last day worked was September 11, 2020. The claimant was laid off due to a lack of work in June 2020.

The claimant did resign employment but not until September 11, 2020. He was laid off of work in June 2020. As such, the claimant did not voluntarily quit effective June 7, 2020. The claimant was not discharged effective June 7, 2020. While the claimant did resign, the benefits he received were due to his lay off and unrelated to his later resignation.

DECISION:

The March 16, 2021, (reference 01) unemployment insurance decision is reversed. Claimant did not voluntarily quit employment without good cause attributable to the employer effective June 7, 2020. Claimant was not discharged for misconduct. Unemployment insurance benefits shall be allowed effective June 7, 2020.

A handwritten signature in dark ink on a light-colored background. The signature reads "Emily Drenkow Carr" in a cursive, flowing script.

Emily Drenkow Carr
Administrative Law Judge

June 29, 2022
Decision Dated and Mailed

ed/mh