

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DAVID M DOWLEN**  
Claimant

**SEABOARD TRIUMPH FOODS, LLC**  
Employer

**Case No. 21IWDUI2006**

**IWD Appeal No. 21A-UI-02530**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: August 2, 2020  
Claimant: Appellant (4R)**

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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 December 11, 2020, (reference 02) 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 February 26, 2021. The claimant, David Dowlen, participated personally. The employer, Seaboard Triumph Foods, did not participate.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Was the claimant discharged 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. He began working for this employer on April 25, 2019 and his employment ended on July 29, 2020. His job duties included supervising the stock yards and the live animals. His immediate supervisor was Kaycee Bolmar.

On July 27, 2020, there was an issue with whether the appropriate documentation had been signed before animals were let out of a holding area. Claimant believed that the employer was setting him up to receive discipline. In the evening on July 27, 2020, claimant discussed his issues with the vice-president of the employer, Carl Treiber, and stated that he was going to resign from the company. On July 28, 2020, claimant submitted his written resignation. In his written resignation, claimant indicated that he was resigning to move his family back to their home in Waverly, IA. Claimant indicated that he was going to end his employment in two weeks. The employer asked him to leave employment immediately.

There was continuing work available if claimant had not voluntarily quit his employment. Claimant was not going to be laid off or discharged from employment.

### **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.

Iowa Admin. Code r. 871-24.25(38) 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:

(22) The claimant left because of a personality conflict with the supervisor.

...

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

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 written resignation to the employer on July 28, 2020, which was accepted. The letter indicated that claimant wished to move to another part of the state. However, claimant testified that he had a disagreement with his supervisor and that was another reason for his resignation. Pursuant to the Iowa law, Claimant's leaving the employment was based upon good personal reasons, but it was not for a good-cause reason attributable to the employer.

However, the employer terminated the employment relationship in advance of the resignation notice effective date. Therefore, the claimant is entitled to benefits effective July 28, 2020 through August 11, 2020, so long as he is otherwise eligible. The employer's account is subject to charge for benefits effective July 28, 2020 through August 11, 2020 because the claimant was not allowed to work through his resignation period.

**DECISION:**

The December 11, 2020 (reference 02) unemployment insurance decision is modified in favor of the claimant. Claimant is eligible for benefits effective July 28, 2020 through August 11, 2020, so long as he is otherwise eligible.



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Rachel D. Morgan  
Administrative Law Judge

3/01/21

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Decision Dated and Mailed

CC: David Dowlen, Claimant (by first class mail)  
Seaboard Triumph Foods, LLC, Employer (by first class mail)  
Nicole Merrill, IWD (email)  
Joni Benson, IWD (email)

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.