

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**BLADEN HART**  
Claimant

**DELAVAN INC**  
Employer

**APPEAL 20A-UI-14169-ED-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/21/20**  
**Claimant: Appellant (1)**

---

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 29, 2020 (reference 02) unemployment insurance decision that found claimant was not eligible for benefits based upon claimant's discharge from employment. The parties were properly notified of the hearing. A telephone hearing was held on January 6, 2021. The claimant, Bladen Hart, participated personally. The employer, Delavan Inc, Hormel Foods Corporation, participated through Manager of Manufacturing Operations, Craig Stephenson. Employer's Exhibit 1 is admitted.

**ISSUE:**

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 calibration tech. Claimant was employed from November 11, 2019 until June 24, 2020, when he submitted his resignation. Claimant's immediate supervisor was Georgia Wink.

Claimant submitted his letter of resignation to Craig Stephenson on June 24, 2020. See Employer's Exhibit 1. Claimant offered to stay on as late as August 1, 2020 to help train new employees. The employer elected to accept claimant's resignation, effective immediately. Claimant's last day physically working was June 24, 2020. Continuing work was available to claimant had he not submitted his resignation on June 24, 2020.

**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 written resignation to Mr. Stephenson. See Exhibit A. Claimant contends that he separated from his employer because of dissatisfaction with the work conditions.

It is clear that claimant approached Mr. Stephenson and submitted his written resignation on his own volition. Dissatisfaction with work conditions is not a reason attributable to the employer. "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary quit is not attributable to the employer if caused by dissatisfaction with work conditions.

Iowa Admin. Code r. 871-24.25(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 § 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 § 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.

Claimant tendered a verbal and written notice of intent to resign which was accepted effective June 26, by the employer. Claimant testified that he was not forced or pressured to tender his resignation by his employer.

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

However, when the claimant tendered his resignation effective June 26, 2020, he was not allowed to work out the remainder of his resignation period. His last day worked was June 26,

2020, instead of his intended August 1, 2020 resignation date. The employer failed to prove that the June 26, 2020 discharge was due to job-related misconduct by the claimant. As such, Iowa Admin. Code r. 871-24.25(38) establishes that no disqualification shall be imposed from the last day of work, June 26, 2020, until the proposed date of resignation, August 1, 2020.

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

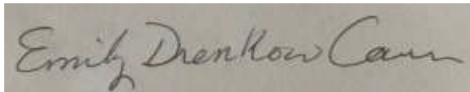
Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied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

As such, there is no disqualification imposed due to claimant's separation from employment from June 24, 2020 through August 1, 2020 due to Iowa Admin. Code r. 871-24.25(38). Further, because claimant's initial resignation was not for a good-cause reason attributable to the employer, benefits are denied effective August 1, 2020 due to the claimant voluntarily quitting.

**DECISION:**

The October 29, 2020 (reference 02) unemployment insurance decision is reversed. Claimant voluntarily quit employment without good cause attributable to the employer but was discharged from employment prior to the end of his resignation notice period for no disqualifying reason. Claimant is eligible for benefits from June 26, 2020 until August 1, 2020 provided claimant meets all other eligibility requirements. Benefits are denied effective August 1, 2020 due to claimant voluntarily quitting without good cause attributable to the employer.

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>.



---

Emily Drenkow Carr  
Administrative Law Judge

January 25, 2021  
Decision Dated and Mailed

ed/mh