

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEONTAIE M WATSON
Claimant

APPEAL 19A-UI-00273-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALTER TRADING CORPORATION
Employer

**OC: 12/09/18
Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-23.43(9)a – Combined Wage Claim Relief of Charges

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the January 2, 2019 (reference 01) unemployment insurance decision that found the employer cannot be relieved of charges based on benefits paid by another State. The parties were properly notified of the hearing. A telephone hearing was held on January 29, 2019. The claimant, Keontae M. Watson, did not participate. The employer, Alter Trading Corporation, participated through representative Jeff Oswald and witness Jenna Maloney. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Can the Iowa employer be relieved of benefit charges on the combined wage claim?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was employed full-time as a sorter beginning January 29, 2018 through May 2, 2018. On May 2, 2018, he tendered a verbal resignation to his supervisor. Claimant did not give any reason why he was voluntarily quitting. Claimant has filed a combined wage claim in another State, but earned wages from this Iowa employer.

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).

If the claimant voluntarily quits, then the claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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).

In this case, claimant had an intention to quit and carried out that intention by tendering a verbal resignation. Claimant's leaving the employment was not for a good-cause reason attributable to the employer according to Iowa law.

Iowa Admin. Code r. 871-23.43(9)(a) and (b) provide:

Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20 will be liable for charges for benefits paid by the out-of-state paying state. No reimbursement so payable shall be charged against a contributory employer's account for the purpose of Iowa Code section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in Iowa Code section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim. Benefit payments shall be made in accordance with the claimant's eligibility under the paying state's law. Charges shall be assessed to the employer which are based on benefit payments made by the paying state.

b. The Iowa employer whose wage credits have been transferred and who has potential liability will be notified that the wages have been transferred, the state to which they have been transferred, and the mailing address to which a protest of potential charges may be mailed. This protest must be postmarked or received by the department within ten days of the date on the notice to be considered as a timely protest of charges. If the protest from either the reimbursable or contributory employer justifies relief of charges, charges shall go to the balancing account.

The employer has provided sufficient information regarding the separation to be relieved of charges on this combined wage claim since it would have been relieved of charges based upon this fact scenario on an Iowa claim. Claimant's qualification and eligibility shall be determined by the State in which the claim was filed.

DECISION:

The January 2, 2019 (reference 01) unemployment insurance decision is reversed. The account of the employer shall be relieved of charges based on benefits paid by another State. Claimant's qualification and eligibility shall be determined by the State in which the claim was filed.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs