

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JADA F FLOWERS**  
Claimant

**CMND LLC**  
Employer

**APPEAL 21A-UI-18464-DB-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/01/20**  
**Claimant: Respondent (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting of Work  
Iowa Code § 96.3(7) – Overpayment of Benefits  
Iowa Admin. Code r. 871-24.10 – Employer Participation in Fact-finding Interview

**STATEMENT OF THE CASE:**

The employer/appellant filed an appeal from the August 10, 2021 (reference 04) unemployment insurance decision that allowed benefits to the claimant based a discharge from work. The parties were properly notified of the hearing. A telephone hearing was held on November 4, 2021. The claimant did not participate. The employer participated through witnesses David Huffman and Paul Strang. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Has the claimant been overpaid any regular unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?  
Can any charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant began employment as a part-time crew member on February 26, 2021. The claimant tendered a two-week notice that they were voluntarily quitting work to move; however, the claimant failed to come to work for the remaining two-week notice period. The last day physically worked on the job was April 30, 2021. There was continued work available to the claimant if they had not voluntarily quit.

Claimant's administrative records establish no regular unemployment insurance benefits have been paid to the claimant since the original claim date of November 1, 2020. The employer participated by telephone in the initial fact-finding interview and provided information in its SIDES response to the Notice of Claim that the claimant had voluntarily quit 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.

Claimant had an intention to quit and carried out that intention by tendering a resignation. As such, 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).

Iowa Admin. Code r. 871-24.25(37) provides:

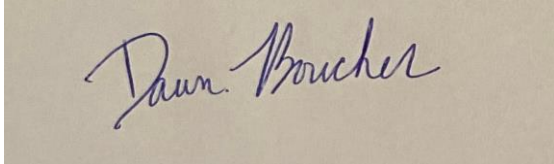
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code 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:

(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 voluntarily quit employment with the employer when they tendered their resignation. Claimant's voluntary quitting was without good cause attributable to the employer. As such, the separation from employment is disqualifying and regular unemployment insurance benefits funded by the State of Iowa are denied. Because no regular unemployment insurance benefits were paid to the claimant after the original claim date of November 1, 2020, the issues of overpayment of benefits and chargeability are moot.

**DECISION:**

The August 10, 2021 (reference 04) unemployment insurance decision is reversed. Claimant voluntarily quit employment without good cause attributable to the employer on April 30, 2021. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and been paid wages for insured work equal to ten times the weekly benefit amount after the April 30, 2021 separation date, and provided the claimant is otherwise eligible.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher".

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Dawn Boucher  
Administrative Law Judge

December 2, 2021  
Decision Dated and Mailed

db/mh