

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT B SAYLER
Claimant

QG PRINTING II CORP
Employer

APPEAL 19A-UI-04262-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/21/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On May 23, 2019, Robert B. Sayler (claimant) filed an appeal from the May 15, 2019, reference 01, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with QG Printing II, Corp. (employer) for personal reasons. The parties were properly notified about the hearing. A telephone hearing was held on June 19, 2019. The claimant participated personally. The employer participated through Employee Services Specialist Stephanie Nettlesheim. No exhibits were offered into the record.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

The administrative law judge finds that the facts of this case are not disputed. The claimant was employed full-time as a Pre-Press Assistant beginning on September 25, 2000 and was separated from employment on March 1, 2019 when he quit to accept retirement. The employer had continuing work available to the claimant after March 1 had he not quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(24) 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:

(24) The claimant left employment to accept retirement when such claimant could have continued working.

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, the claimant's decision to quit to accept retirement when the employer had continuing work for him was not for a good cause reason attributable to the employer.

DECISION:

The May 15, 2019, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

As a note to the claimant, if he believes he has requalified for benefits since this separation, he may take any documentation he has showing any insured wages earned after March 1, 2019 to his local office or contact IWD Customer Service for further instructions.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs