

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MICHAEL Z WINCHESTER**  
Claimant

**NEXTERA ENERGY DUANE ARNOLD LLC**  
Employer

**APPEAL NO. 21A-UI-05784-B2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/13/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 16, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 29, 2021. Claimant participated. Employer did not participate.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 30, 2020. Claimant voluntarily quit on that date when he accepted early retirement that had been offered by employer.

Employer is a power plant that is in the process of shutting down. Employer employed approximately 400 people, and wanted to get to 220 employees in the first round of staff reductions. Claimant, and a great majority of employees, were offered an early-retirement package. Claimant stated his package paid a year of salary into his pension fund. Claimant stated 175 people accepted the early retirement, and 5 people were let go. At the time of the offer, claimant had 15 years in with Nextera and nearly 30 years at the facility.

Claimant stated he had no idea if he would be terminated had he not quit. He further stated that the next round of reductions was to take place in June of 2021 and again in June of 2022. By June of 2022 there would only be 50 employees remaining.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he received an attractive early retirement offer.

Iowa Admin. Code r. 871-24.26(13) provides:

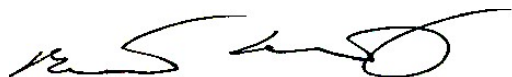
Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(13) A claimant who, when told of a scheduled future layoff, leaves employment before the layoff date shall be deemed to be not available for work until the future separation date designated by the employer. After the employer-designated date, the separation shall be considered a layoff.

Claimant argued that he should be covered under this section. Claimant is not covered as there was never a statement as to when he would be laid off. The layoff was merely prospective. If claimant had a date that *he* was going to be laid off and chose to leave prior to that date, he would be covered after the layoff date. Here we have no idea whether claimant would have fallen under the first, second, or third series of layoffs, or not at all. Absent a specific date as to when he would be laid off, claimant cannot apply a general request for volunteers to claim early retirement as a specific layoff date for him.

**DECISION:**

The decision of the representative dated February 16, 2021, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



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Blair A. Bennett  
Administrative Law Judge

May 6, 2021  

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Decision Dated and Mailed

bab/kmj