

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERRY R COLLINS
Claimant

APPEAL 22A-UI-07798-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROOKFIELD FABRICATING
Employer

OC: 02/20/22
Claimant: Appellant (1)

Iowa Code § 96.5(1) - Voluntary Quit
Iowa Code § 96.5(2)a - Discharge for Misconduct
Iowa Admin. Code r. 871-24.25(3) - VQ - No other Employment

STATEMENT OF THE CASE:

Claimant/appellant, Terry Collins, filed an appeal from the March 16, 2022, (reference 01) unemployment insurance decision that denied benefits based upon his 02/02/22 voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on May 12, 2022. Claimant personally participated. Employer, Brookfield Fabricating, did not participate. Judicial notice was taken of the administrative record.

ISSUE:

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony and reviewed the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a computer associate draftsman from 11/23/21 to 02/02/22. He was separated from employment on 02/02/22 when he rejoined the union to take another job and therefore quit work with employer. Claimant then developed COVID and the job he was going to take with the union went to another union member.

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.

Iowa Code section 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.

Iowa Admin. Code r. 871-24.25(3) 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:

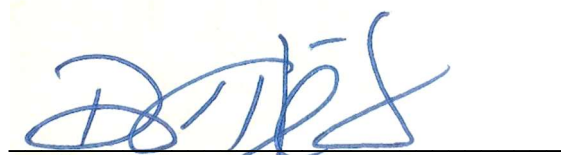
(3) The claimant left to seek other employment but did not secure employment.

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). 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).

Claimant attempts to explain that employer would not have let him back being positive with COVID, which may be true, if claimant was still employed with employer. When claimant rejoined the union and quit employer, he was no longer an employee of Brookfield Fabricating and therefore his COVID status is not relevant regarding his former employer. The COVID is relevant in why the job he thought he was quitting to take did not happen as planned. While claimant's leaving 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 are denied.

DECISION:

The March 16, 2022, (reference 01) unemployment insurance decision denying benefits is **AFFIRMED**. The claimant voluntarily left his 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.



Darrin T. Hamilton
Administrative Law Judge

June 3, 2022
Decision Dated and Mailed

dh/kmj