

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EDUARDO S URIZAR
Claimant

REMBRANDT ENTERPRISES INC
Employer

APPEAL 19A-UI-07395-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/25/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the September 12, 2019 (reference 01) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on October 10, 2019. The claimant, Eduardo S. Urizar, participated personally. CTS Language Link provided language interpretation services to the claimant. The employer, Rembrandt Enterprises Inc., participated through witness Teresa Torres.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a general laborer. He began working for this employer on January 8, 2019 and his employment ended on August 9, 2019. His job duties included clearing deceased chickens, feeding and watering chickens, and cleaning the chicken houses. This employer operates a chicken egg plant. His immediate supervisor was Carlos Pasillas.

On August 7, 2019, the employer told claimant that he would be moved to a different chicken house because he was harassing his co-workers, which included his girlfriend and a new worker she was training. Claimant was upset that his girlfriend was training a new worker, who was male. Claimant was going to do the same job duties at the new chicken house, which was approximately one half mile away from the other house.

On August 9, 2019, claimant met with Carlos Pasillas, Felipe Escobar and Teresa Torres about the move. In the meeting the claimant took his safety cap off, said "I am not doing this any longer", and that he was "not going to watch (his girlfriend) train the trainee any longer". Claimant was escorted out of the building after he quit. There was continuing work available if claimant had not voluntarily quit his 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.

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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

In this case, claimant tendered his verbal resignation when he stated he was not going to do the job any longer. As such, this case must be analyzed as a voluntary quit case and not a discharge case. Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

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 tendered a verbal intent to resign which was accepted effective immediately by the employer. Claimant resigned because he did not want his girlfriend, who was a co-worker, to train a male employee. While claimant's leaving the employment 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 must be denied.

DECISION:

The September 12, 2019 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times his weekly benefit amount after his separation date, and provided he is otherwise eligible.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs