

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**PAULA D LAMPHIER**  
Claimant

**APPEAL NO: 09A-UI-10365-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXCEPTIONAL PERSONS INC**  
Employer

**OC: 06/14/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(37) – Resignation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated July 16, 2009, reference 01, that held she voluntarily quit without good cause attributable to her employer due to resignation on June 18, 2009, and benefits are denied. A telephone hearing was held on August 5, 2009. The claimant participated. Emily Hodgkin, HR Generalist, and Deb Jungling, Business Director, participated for the employer. Employer Exhibit One was received as evidence.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time billing specialist from August 8, 2005 to June 18, 2009. The claimant was requested to meet with supervisor Kirkpatrick on June 18 about her attendance. During the meeting, Kirkpatrick asked questions of the claimant, and the claimant stated "You don't need to say anything because I quit" whereupon she left the office.

Employer representatives later requested the claimant confirm her quitting of employment by submitting a written resignation. Several hours later after the first meeting, the claimant requested to rescind her resignation. The employer declined claimant's request, and it accepted the verbal resignation as the claimant quitting employment.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to her verbal resignation from employment. Leaving employment during a meeting to discuss attendance is without good cause.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Peck v. EAB, 492 NW2d 438 (IA App 1992). The claimant's verbal statement she was quitting her employment with her leaving the office establishes her intent to resign. While the claimant did not sign a written statement of resignation, and later requested to rescind it, the employer accepted the resignation as verbally submitted.

**DECISION:**

The unemployment insurance decision dated July 16, 2009, reference 01, is affirmed. The claimant voluntarily quit without good cause due to her resignation on June 18, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs