

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD R GOTT
Claimant

CDS GLOBAL INC
Employer

APPEAL 19A-UI-06132-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/14/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On August 4, 2019, the claimant filed an appeal from the July 29, 2019, (reference 04) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on August 28, 2019. Claimant participated. Employer did not answer at the number it provided for the hearing and did not participate.

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 began working for employer in 2016. Claimant last worked as a full-time insert operator. Claimant was separated from employment on June 19, 2019, when he resigned.

Employer laid claimant off due to lack of work in April 2019. Employer called claimant back to work on June 17, 2019.

During the layoff, claimant remained covered by employer's health insurance plan. However, claimant's portion of the premiums were not paid as claimant was not receiving a paycheck. Employer did not discuss how this would be handled with claimant prior to the layoff.

On June 19, 2019, human resource employee Ruth Ann Beers told claimant and his co-workers that while they were laid off their insurance premiums were not paid and they would have the premiums deducted from their next paychecks. Employer informed claimant that he owed approximately \$900.00 for the premiums. After receiving this information, claimant returned to work.

Later that day, claimant had a conversation with his supervisor, Ashley. Ashley informed claimant that work continued to be slow and there would likely be days where he would be sent home early or told not to come in at all. Employer stated it would not contest his unemployment insurance benefits.

After having the conversation with Ashley, claimant confirmed the information with manager Ericka Pace. Claimant then resigned, submitting a notice that gave his reason as "lack of work."

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, 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(29) 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:

(29) The claimant left in anticipation of a layoff in the near future; however, work was still available at the time claimant left the employment.

In this case, claimant resigned after learning work was still slow and there was a possibility he would be asked to go home early or stay home in the future. Although claimant was also upset about being required to pay his portion of the insurance premiums, he did not resign until he learned work would be slow. Lack of work was the reason claimant listed on his resignation notice. While claimant was told he would be likely only working partial weeks going forward, employer gave no definitive date for a scheduled layoff. Work was still available on the day claimant resigned.

Claimant has failed to establish he resigned for a good cause reason attributable to employer.

DECISION:

The July 29, 2019, (reference 04) unemployment insurance decision is affirmed. 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.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn