

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**STACEY L KLYN**  
Claimant

**PELLA CORPORATION**  
Employer

**APPEAL 18A-UI-11547-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/04/18**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 26, 2018 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit her employment due to the terms of employment. The parties were properly notified of the hearing. A telephonic hearing was held on December 12, 2018. The claimant, Stacey L. Klyn, participated. The employer, Pella Corporation, participated through Loren Van Zanten, Human Resources Representative; and David Nichol, Department Manager. Claimant's Exhibit A and Employer's Exhibits 1 through 4 were received and admitted into the record without objection.

**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, most recently as an assembler-2, from July 23, 2018, until November 5, 2018, when she resigned due to her son's health issues. Claimant emailed the employer on November 5 and stated she was resigning effective immediately. (Exhibit 3) Claimant explained that she was her son's only legal guardian, and she was required to be with him and take him to appointments. Claimant had expressed concern about losing her job due to the amount of work she had to miss, but her job was not in jeopardy and continued work was available had she not quit. Van Zanten acknowledges he told claimant that resigning was one option for her, but he denies encouraging her to resign from her position.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant quit her employment without good cause attributable to the employer. Benefits are withheld.

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.

Iowa Admin. Code r. 871-24.25 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: ...

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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). In this case, claimant had compelling personal circumstances that led her to quit her employment. However, these circumstances are not fairly attributable to the employer.

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 sent the employer an email resigning from her employment and she quit. Claimant has not met her burden of proving she left with good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The November 26, 2018 (reference 01) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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