

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KYLE VAN METER
Claimant

APPEAL 21A-UI-00543-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION
Employer

OC: 04/19/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 13, 2020, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on February 9, 2021. Claimant participated and testified. Exhibit A was admitted into the record. The administrative law judge took official notice of the administrative records.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant, Kyle Van Meter, was employed full-time as a subsystem lead refrigeration and ice making system manager at the employer, Whirlpool Corporation, from February 7, 1988 until he was separated from employment on August 31, 2020 when he quit. He was scheduled from 8:00 a.m. to 5:00 p.m. each day from Monday through Friday. The claimant's immediate supervisor was North American Region Cooling Tech Lead Marcelo Salome.

As part of his position, the claimant was in charge of hiring employees below him.

In November or December 2019, the claimant was scheduled to hire additional workers.

In January or February 2020, the employer announced hiring freezes throughout the plant.

In the spring of 2020, the employer announced involuntary furloughs for all employees. The claimant was subject to the furlough plan which forced employees to be away from work for one week in April and one week in May 2020.

In May 2020, the employer announced a voluntary retirement plan. It stated that there would be incentives to taking the voluntary retirement plan over potentially being impacted by involuntary layoffs planned for later in the year.

On June 2, 2020, the claimant accepted a voluntary retirement plan offered by the employer. Prior to accepting the voluntary retirement plan, the claimant spoke with Mr. Salome about his prospects of being subject to the involuntary layoff. Mr. Salome said he could not say whether the claimant would be subject to the scheduled layoff.

The claimant was retained for an additional 60 days to help with a smooth transition to the employees who assumed his responsibilities.

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 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.

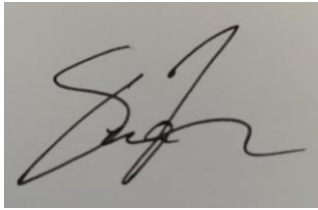
The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld 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).

In this case, the claimant is disqualified because he left in anticipation of a layoff. At the time the claimant submitted his resignation, work was still available for him. 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 November 13, 2020, (reference 01) unemployment insurance decision 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.

A handwritten signature in black ink, appearing to read 'S. Nelson', is shown within a rectangular frame.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

February 22, 2021
Decision Dated and Mailed

smn/mh