

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEAN, WILLIE, L**  
Claimant

**APPEAL NO. 11A-UI-04234-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE HON COMPANY**  
Employer

**OC: 02/06/11  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Willie Dean filed a timely appeal from the March 30, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on April 26, 2011. Mr. Dean participated. Patton Bennett of Employers Edge represented the employer and presented testimony through Danielle Bright. Represented the employer. Exhibits A was received into evidence.

**ISSUE:**

Whether the claimant separated from the employment for a reason that disqualifies him for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Willie Dean was employed by The Hon Company as a full-time machine operator until October 15, 2010, when he voluntarily quit to pursue training to become a pastor. Mr. Dean gave the employer verbal and written notice of the quit on September 23, 2010. On the written notice, Mr. Dean indicated that he was leaving to pursue a new career. Mr. Dean performed work for the employer until his effective quit date and then separated from the employer. The employer continued to have work available for Mr. Dean.

On October 25, 2010, the employer mailed notice to Mr. Dean that he might be eligible for some retirement benefits under the employer's retirement program. Mr. Dean had not left the employment to retire. The written form upon which Mr. Dean indicated his resignation had contained a box that Mr. Dean could check if he were leaving employment to retire. Mr. Dean did not check that box.

**REASONING AND CONCLUSIONS OF LAW:**

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record establishes that Mr. Dean voluntarily quit the employment to begin training for a new career as a pastor. The evidence establishes that Mr. Dean voluntarily quit for personal reasons and not for good cause attributable to the employer. The evidence in the record fails to establish that Mr. Dean separated from the employment so that he could retire. The fact that the employer notified Mr. Dean 10 days after the voluntary quit that he might be eligible for some retirement benefits is not sufficient to establish that the separation was indeed a retirement. Mr. Dean is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits paid to Mr. Dean.

**DECISION:**

The Agency representative's March 30, 2011, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs