

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KANDIS L PETERS

Claimant

APPEAL NO. 09A-UI-07360-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION

Employer

**Original Claim: 03/29/09
Claimant: Appellant (1/R)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Kandis L. Peters (claimant) appealed a representative's May 13, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the account of Pella Corporation (employer) would not be charged because the claimant voluntarily resigned her employment for reasons that do not qualify her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 8, 2009. The claimant participated in the hearing with her attorney, Arthur Neu. Jeff Heuton, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in April 2000. The claimant worked full time in the accessory pack-out department. Toward the end of her employment, which is the employer's slow season, the claimant did not have much work to do during her shift.

The employer realized business was slow and offered employees a number of various voluntary options to reduce the workforce. Some of the options included a voluntary layoff, a voluntary departure, and a voluntary retirement. The voluntary retirement option gave employees a week of vacation for every year the employee had worked and two years of continued health insurance at an employee's rate.

The claimant feared she could be left without any health insurance if she were terminated. Since work in her department was extremely slow, the claimant chose the voluntary retirement option so she would have continued health insurance the next two years. The claimant signed the voluntary retirement option on December 19, 2008. After the claimant took her vacation, the last day she was considered an employee was January 31, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant has not voluntarily quit when she leaves employment because she is compelled to leave by retiring or would be discharged. 871 IAC 24.2 6(21). The facts do not establish that the employer told the claimant she had to resign or she would be discharged. The claimant incorrectly assumed she would be discharged if she did not sign the resignation form. The claimant's resignation was an option the employer offered employees and it is an employee's decision to accept or reject any option the employer offered.

The claimant presented compelling reasons for resigning because she wanted to make sure she had insurance the next two years. This reason does not, however, qualify her to receive benefits. As of March 29, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's May 13, 2009 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for compelling personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 29, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer' account will not be charged. An issue of overpayment is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw