

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**CHARLIE FRANKLIN**  
Claimant

**SECURITAS SECURITY SERVICES USA**  
Employer

**APPEAL 21A-UI-06052-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/25/20  
Claimant: Appellant (5)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On February 26, 2021, Charlie Franklin (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated February 16, 2021 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on September 24, 2020 for personal reasons.

A telephone hearing was set for May 3, 2021. The parties were properly notified of the hearing. The claimant participated personally. Securitas Security Services USA (employer/respondent) participated by Supervisor Tracy Moore and HR Manager Renna Lee. Employer was represented by Hearing Rep. Toni McColl.

At that time it was determined that employer had not received the proposed exhibits claimant submitted for the hearing, despite claimant sending them to the address for employer on the Notice of Hearing. The parties agreed to a continuance so that proposed exhibits could be exchanged. Claimant agreed to send his proposed exhibits to employer by email, which Ms. McColl provided to claimant. The parties agreed to a rescheduled hearing date and time of May 12 at 11:30 a.m. A hearing was held at that time.

Claimant subsequently submitted a request for a subpoena for a witness, Branch Office Recruiter Tim Burton. The undersigned issued a subpoena as requested.

A hearing was held on May 12, 2021. Claimant participated personally. His former site supervisor, Tina Alvin, participated as a witness on his behalf. Ms. Moore and Ms. Lee also participated, along with Burton and Manager Brad Bigelow. Employer was again represented by Ms. McColl.

Claimant's Exhibits 1-3 were admitted. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?

**FINDINGS OF FACT:**

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

Claimant worked for employer full-time as a security officer. Claimant began working for employer around September 2018. Claimant was employed at that time in employer's Cedar Rapids branch. Claimant's immediate supervisors in that position were Alvin and Bigelow. The last day claimant worked on the job there was September 23, 2020. Claimant resigned at that time.

Claimant resigned because he was moving to Houston, Texas. Claimant had been planning to move to Houston for several months and had inquired with Alvin about being transferred to one of employer's locations in that area. Alvin then spoke with other members of management and relayed to claimant that he would not be directly transferred but must contact those branches to see if they had openings and then make applications with them. Claimant had some difficulty applying with those branches because of issues with employer's online application system. He also had trouble making contact with those branches by other methods.

Claimant had not secured a position with one of employer's Houston-area branches or any other employer at the time he resigned but chose to leave the position at the Cedar Rapids branch and move to Houston anyway. He could have continued working for the Cedar Rapids branch if he wished to. Claimant filed a claim for benefits in the weeks ending October 3 and 10, 2020.

Claimant was subsequently hired to work in one of employer's Houston-area branches. He was hired on October 7, 2020. He continued in that position until April 19, 2021, when he resigned for employment elsewhere. He did accept that employment elsewhere and remains employed in that new position.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated February 16, 2021 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on September 24, 2020 for personal reasons is MODIFIED with no change in effect.

Iowa Code section 96.5(1)a 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.

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Iowa Admin. Code r. 871-24.25 provides in relevant part:

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:

(2) The claimant moved to a different locality.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

"Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 S.2d 827 (Florida App. 1973). While a notice of intent to quit is not required to obtain unemployment benefits where the claimant quits due to intolerable or detrimental working conditions, the case for good cause is stronger where the employee complains, asks for correction or accommodation, and employer fails to respond. *Hy-Vee Inc. v. EAB*, 710 N.W.2d 1 (Iowa 2005).

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. A voluntary quitting of employment requires that an employee exercise a voluntary choice between remaining employed or terminating the employment relationship. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). 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).

Employer has carried its burden of proving claimant's departure from employment was voluntary. However, claimant has not carried her burden of proving the voluntary leaving was for good cause attributable to employer.

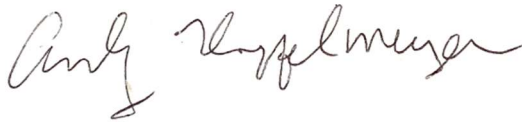
Claimant resigned on September 24, 2020 to move to Houston. While the administrative law judge understands claimant wished to continue work with employer at a Houston-area branch after his move there and made attempts to do so prior to moving, he did not secure employment there prior to moving. Employer was under no obligation to transfer claimant or to otherwise ensure his continued employment post-move. He could have continued working in the Cedar Rapids branch if he wished to but instead chose to move to Houston without having secured employment first.

Claimant chose to move even though continuing work was available. This reason is presumed to be without good cause attributable to employer and the administrative law judge finds it was without good cause in this instance. Benefits must therefore be denied from September 24, 2020 and continuing until claimant earns wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

The administrative law judge finds claimant's subsequent separation from employer on April 19, 2021 was not disqualifying. In that case, claimant left employment in good faith for the sole purpose of accepting other or better employment, which he did accept and perform services in. Benefits relating to wage credits earned with the employer will therefore be charged to the unemployment compensation fund.

**DECISION:**

The decision dated February 16, 2021 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on September 24, 2020 for personal reasons is MODIFIED with no change in effect. The separation from employment on September 24, 2020 was disqualifying. Benefits are therefore denied from that date and continuing until claimant earns wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. Claimant's subsequent separation from employment on April 19, 2021 was not disqualifying and benefits shall be charged to the fund.



---

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

May 19, 2021  
Decision Dated and Mailed

abd/kmj

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.