

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**MIYOSHI JORDAN**  
Claimant

**NEW CHOICES INCORPORATED**  
Employer

**APPEAL 18A-UI-11223-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/21/18  
Claimant: Appellant (1)**

---

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin r. 871-24.25 – Voluntary Quit Without Good Cause

**STATEMENT OF THE CASE:**

Miyoshi Jordan, Claimant, filed an appeal from the November 13, 2018 (reference 01) unemployment insurance decision that denied benefits because she voluntarily quit work with New Choices Inc. for personal reasons not attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on December 3, 2018 at 9:00 a.m. Claimant participated. Employer participated through Heather Boulton, Human Resources Coordinator. Claimant's Exhibit A was admitted.

**ISSUE:**

Whether claimant's separation was a 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: Claimant was employed full-time as a direct support professional from August 8, 2017 until her employment with New Choices, Inc. ended on September 7, 2018. Claimant's direct supervisor was Amanda Lucas.

On September 7, 2018, claimant resigned her employment in a telephone conversation with Heather Boulton. (Boulton Testimony) Claimant stated that September 7th would be her last day, that claimant did not have transportation to and from work and that claimant was not offered additional shifts. (Boulton Testimony) Employer accepted claimant's resignation. (Boulton Testimony) There was continuing work available if claimant had not quit. (Boulton Testimony) Claimant's job was not in jeopardy. (Boulton Testimony)

Employer has a policy regarding requests for additional shifts. (Boulton Testimony) Per the policy, an employee is to call the scheduler and complete a form requesting more hours or shifts. (Boulton Testimony) The policy is included in the employee handbook, of which claimant received a copy. (Boulton Testimony) The policy was also reviewed with claimant via telephone. (Boulton Testimony)

During the September 7, 2018 telephone conversation, Boulton asked claimant if she had contacted the scheduler to request additional shifts and claimant admitted she had not. (Claimant Testimony) Claimant later testified that she submitted forms for more hours and that she “continually called and asked for hours.” (Claimant Testimony) Claimant could not recall the dates she submitted forms to or called the scheduler. (Claimant Testimony)

On October 15, 2018, claimant called Boulton to request shifts. (Boulton Testimony) Boulton told claimant that because claimant quit her employment, she must complete and submit an application. (Boulton Testimony) Claimant did not submit an application. (Claimant Testimony)

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

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

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). 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).

Iowa Admin. Code r. 871-24.25(1), (37) 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 “l,” and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(1) The claimant's lack of transportation to the work site unless the employer had agreed to furnish transportation.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

Where a claimant gives several different reasons for leaving employment, the administrative law judge is required to consider all stated reasons which might have combined to give the claimant good cause to quit in determining whether any of those reasons constituted good cause attributable to the employer. *Taylor v. IDJS*, 362 N.W.2d 534 (Iowa 1985).

It is the duty of the administrative law judge, as the trier of fact, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other evidence you believe; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

I assessed the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using my own common sense and experience. I find the employer's version of events to be more credible than the claimant's version of those events. Claimant's testimony was inconsistent. Claimant testified that during her September 7th telephone conversation with Boulton claimant admitted that she had not contacted the scheduler and then later testified that she had called the scheduler to request hours. Claimant testified that she "continually called and asked for hours" and that she submitted forms to request more hours, but could not remember when she made these requests.

Claimant offers many reasons for her separation from employment; the administrative law judge has considered them all. Claimant has not met her burden of proving good cause attributable to the employer. Claimant voluntarily quit her employment without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The November 13, 2018 (reference 01) unemployment insurance decision is affirmed. Benefits are denied until such time as the claimant works in and has been paid wages for insured work equal to ten times claimant's weekly benefit amount.

---

Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, IA 50319-0209  
Fax: 515-478-3528

---

Decision Dated and Mailed

acw/rvs