

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDY E MARCHANT**  
Claimant

**APPEAL NO. 07A-UCFE-00013-C**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEPT OF VETERANS AFFAIRS**  
Employer

**OC: 02/04/07 R: 02  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Randy Marchant filed an appeal from a representative's decision dated March 27, 2007, reference 01, which denied benefits based on his separation from the Department of Veterans Affairs (VA). After due notice was issued, a hearing was held on April 30, 2007 in Des Moines, Iowa. Mr. Marchant participated personally. The employer participated by Sabrina Owens, Assistant Chief of Human Resources.

**ISSUE:**

At issue in this matter is whether Mr. Marchant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Marchant was employed by VA from February 21, 1984 until January 31, 2007. He was last employed full time as a revenue office specialist. He left the employment voluntarily to retire but was not asked by the employer to retire. He did not give the employer any other reason for his decision to leave.

On December 18, 2006, Mr. Marchant signed a "last chance" agreement in order to avoid his removal from employment. The agreement was based on allegations made by a coworker with whom Mr. Marchant had been personally involved. The two continued to have issues after the agreement and both made periodic reports to management when it was felt the other was engaging in inappropriate conduct. The employer investigated the allegations made by each and, if the complaints were founded, disciplinary action was taken. No disciplinary action had been taken against Mr. Marchant as a result of any complaints filed by the coworker after December 18. Mr. Marchant chose to retire rather than continue going through investigations initiated by his coworker. Continued work would have been available if he had not chosen to retire.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Where an individual chooses to retire while work continues to be available, the separation is considered a voluntary quit without good cause attributable to the employer. 871 IAC 24.25(24).

Mr. Marchant chose to retire because his coworker was filing complaints that resulted in the employer questioning him. The employer had an obligation to investigate complaints to determine whether they had merit. When Mr. Marchant voiced complaints about his coworker, the employer investigated. It was only reasonable that the employer would conduct a similar investigation when his coworker complained about him. Mr. Marchant was not advised by his doctor to leave the employment because of any adverse impact on his health as a result of the investigations.

After considering all of the evidence, the administrative law judge concludes that Mr. Marchant did not have good cause attributable to the VA for quitting. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated March 27, 2007, reference 01, is hereby affirmed. Mr. Marchant quit his employment for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

---

Carolyn F. Coleman  
Administrative Law Judge

---

Decision Dated and Mailed

cfc/pjs