

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER D FANE
Claimant

APPEAL NO. 17A-UI-08020-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CTB MIDWEST INC
Employer

OC: 07/09/17
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jennifer Fane (claimant) appealed a representative's July 28, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with CTB Midwest (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 25, 2017. The claimant participated personally. The employer participated by Melissa Reinsch, Human Resources Manager; Jason Hoffman, Custom Service Manager; and Larry Stayner, Sales Person.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 1, 2007, as a full-time customer service representative. Throughout her employment she worked at one or both of the employer's two locations. The locations were seven miles apart. On April 1, 2017, the claimant spent half her time at each location.

On April 15, 2017, the employer told the claimant she would soon be working full-time at one of the locations. On July 12, 2017, the claimant's manager told her she would be start working full-time at the location on July 17, 2017. The claimant said "No. I'm not going to do it. I will quit." The claimant indicated she would get the resignation process started. Later, the claimant told a co-worker she was going to put in her notice.

On July 13, 2017, the human resources manager brought the claimant into her office to have a conversation about the claimant's statements on July 12, 2017. The manager wanted to see if the claimant had changed her mind. She asked the claimant if she wanted to tender her resignation. The claimant adamantly said, "Yep". The manager said it would be effective that day. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) 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.

Iowa Admin. Code r. 871-24.25(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 "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(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. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

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). The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer she was leaving and quit work. When an employee gives notice of an intent to quit and the employer accepts the employee's resignation, her leaving is without good cause attributable to the employer. The claimant told the employer she was quitting and the employer accepted the claimant's resignation. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's July 28, 2017, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs