

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building, 4<sup>TH</sup> Floor  
Des Moines, Iowa 50319  
eab.iowa.gov**

---

**WILLIAM HART**

Claimant

and

**DOLGENCORP LLC**

Employer

:  
:  
:  
:  
:  
:  
:

**HEARING NUMBER: 22B-UI-05045**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION:** 96.5-1, 96.5-2-A

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Claimant seeks payment of a benefit unknown to the common law. It is a statutory benefit, and Iowa Workforce Development is given regulatory authority by that statute. Iowa Code §96.11(1). These regulations have the force and effect of law. *City of Des Moines v. Iowa Dept. Of Transp*, 911 NW 2d 431, 440 (Iowa 2018); B. Schwartz, *Administrative Law* § 4.7, at 160 (2d ed. 1984). It is these regulations and Iowa court precedent under the Employment Security Law, not common law doctrines, which are the most relevant source of law in this statutorily created process. Here the regulation cited by the Administrative Law Judge states:

(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.

871 IAC 24.25(4)(37); *see Langley v. Employment Appeal Board*, 490 N.W.2d 300, 304 (Iowa App. 1992)(“We hold when an employee voluntarily resigns and the employer refuses to accept a subsequent withdrawal of resignation prior to its effective date, the employee is considered to have voluntarily quit for purposes of eligibility for unemployment benefits”). This regulation dates at least to 1978. *See* Iowa Admin. Bull. Vol 1, p. 108 (6/28/1978). That the rule has stood unaddressed by the General Assembly for 44 years strengthens our reliance on it. *See City of Sioux City v. Iowa Dept. of Revenue*, 666 N.W.2d 587, 592 (Iowa 2003)(“The fact that this administrative rule has been in effect for eleven years strongly cautions against finding the rule invalid.”).

As the Administrative Law Judge explained **even if** the Claimant had communicated his attempt to rescind the resignation to a person with authority, under this regulation the leaving of employment was complete once the Employer had accepted the notice of intent to resign. That occurred *before* the attempt to rescind. The Claimant was already deemed to have left employment voluntarily when he tried to rescind. As *Langley* held the subsequent attempt to rescind does not alter the fact of voluntary leaving. Since Claimant did not prove good cause for leaving, or another applicable exception, he was properly disqualified.

---

James M. Strohman

---

Ashley R. Koopmans

---

Myron R. Linn

RRA/fnv