

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW SCHNEIDER
Claimant

NORDSTROM INC
Employer

APPEAL 21A-UI-08139-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/31/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-24.26(4) – Intolerable working conditions

STATEMENT OF THE CASE:

The claimant, Andrew Schneider, filed an appeal from the March 21, 2021, (reference 02) unemployment insurance decision that denied benefits based upon his voluntary resignation. The parties were properly notified about the hearing. A telephone hearing was held on June 2, 2021. Claimant participated and testified. The employer did not participate. This hearing was conducted at the same time as 21A-UI-08141-SN-T and 21A-UI-08140-SN-T.

ISSUE:

Was the separation a layoff, discharge for misconduct or 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:

The claimant was employed full-time as a seasonal picker for the employer, Nordstrom, from November 20, 2020, until he was separated from employment on January 15, 2021, when he quit. The claimant's immediate supervisor was Department Manager Alex (last name unknown).

On November 25, 2020, the claimant was laid off from his primary employer, ACME Electric. The claimant had obtained what he believed to be a temporary season position from the employer during times he had been laid off by ACME Electric.

In the beginning of 2021, the employer started laying off seasonal employees. As part of their criteria, the employer ranked employees based on their seniority which placed recently employed seasonal employees as the first to be laid off. The employer reduced the number of shifts from three eight hour days to two ten hour days.

On January 2, 2021, the claimant informed Department Manager Alex (last name unknown) he was going to school at Kirkwood Community College and likely would receive another

electrician job from the Local 405's Union Hall. In that context, the claimant said he would not be a long-term core employee and his final day would be January 16, 2021.

Since separating from employment, the claimant has been working on a part-time basis for Syncbak in Marion, Iowa. The administrative record DBRO shows the claimant's earnings received from this employer. He has not earned more than 10 times his weekly benefit amount of 493 for a total of \$4,930.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits:

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 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:

(26) The claimant left to go to school.

(29) The claimant left in anticipation of a layoff in the near future; however, work was still available at the time claimant left the employment.

(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.

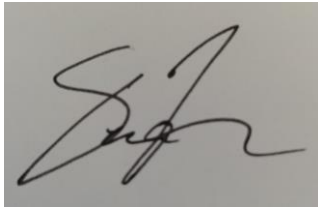
The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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 states he submitted his resignation because he anticipated he would be laid off in the future and he could not continue working there because he was going to resume classes at Kirkwood Community College. These reasons are disqualifying under Iowa Admin. Code r. 871-24.25 (26), (29), and (37). While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The March 18, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left his employment without 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 benefit amount, provided he is otherwise eligible.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a light gray rectangular background.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

June 21, 2021
Decision Dated and Mailed

smn/mh