

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**WILLIAM HART**  
Claimant

**DOLGENCORP LLC**  
Employer

**APPEAL 22A-UI-05045-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/03/21**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) - Voluntary Quit  
Iowa Code § 96.5(2)a - Discharge for Misconduct  
Iowa Admin. Code r. 871-24.25(37) - VQ - Resignation accepted

**STATEMENT OF THE CASE:**

Claimant/appellant, William Hart, appealed the February 8, 2022, (reference 01) unemployment insurance decision that denied benefits due to a January 17, 2022, voluntary quit. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for April 4, 2022. Claimant personally participated. The employer, Dolgencorp, LLC, participated through Jennifer Boudreau, store manager. Judicial notice was taken of the administrative record.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or a voluntary quit without good cause?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed the evidence in the record, the undersigned finds:

Claimant's first day of work was September 25, 2021, and his last day worked was January 11, 2022. He was separated from employment on January 17, 2022, when his resignation became effective.

Claimant had orally resigned, effective January 17, 2022. Ms. Boudreau requested the resignation be reduced to writing, and it was, still effective January 17, 2022. Employer accepted the resignation. January 13, 2022, claimant wanted to rescind the resignation and when he arrived at the store, Ms. Boudreau was not there to rescind his resignation. January 14, 2022, Ms. Boudreau was not in the store when claimant checked, so he told Adam, one of the assistant store managers, who advised claimant he needed to speak with the store manager. Claimant had no working phone at the time and did not communicate his wish to rescind his resignation to anyone but Adam. Ms. Boudreau was unaware claimant wanted to rescind his resignation. His resignation was already accepted.

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

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit by submitting his resignation which was accepted.

Iowa Admin. Code r. 871-24.25(4) 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.

Substantial and credible evidence was presented through testimony that claimant resigned, and the employer accepted his resignation. While claimant later wanted to rescind the resignation, he did not communicate it with the store manager, and even then, he could not rescind the offer to resign, as the offer had already been accepted. As a voluntarily quit without good cause attributable to employer, benefits are denied.

**DECISION:**

The February 8, 2022, (reference 01) unemployment insurance decision is **AFFIRMED**. Claimant voluntarily quit without good cause attributable to 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.

  
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Darrin T. Hamilton  
Administrative Law Judge

April 12, 2022  
Decision Dated and Mailed

dh/mh