

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MIKE T BROSAM**

Claimant

**APPEAL NO: 14A-UI-02125-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**G & k SERVICES COMPANY**

Employer

**OC: 01/26/14**

**Claimant: Appellant (4)**

Section 96.5-1 – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

Mike T. Brosam (claimant) appealed a representative's February 19, 2014 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from G & K Services Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was convened on March 18, 2014. The claimant participated in the hearing. Tim McCloud appeared on the employer's behalf. The hearing was not concluded on that date, but was continued until April 4, 2014. In the interim, the claimant submitted wage requalification information. Prior to the hearing being concluded on April 4, the administrative law judge determined that no hearing was necessary and that a decision could be made on the record. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit, and if so is he disqualified from receiving unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on October 10, 2011. He worked full time as a route relief driver. His last day of work was July 19, 2013. He voluntarily quit as of that date by a letter of resignation submitted on or about July 8. He indicated his reason for leaving was another opportunity. The claimant established an unemployment insurance benefit year effective January 26, 2014. His weekly benefit amount was calculated to be \$439.00. It was not established when the claimant actually entered into new employment, but the claimant has established that he had wages with another employer after July 19, 2013 and before January 26, 2014 exceeding \$4,390.00.

**REASONING AND CONCLUSIONS OF LAW:**

Rule 871 IAC 24.25 provides that, 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 claimant did express his intent not to continue to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would normally be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

Iowa Code section 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge further concludes from the available information that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The representative's February 19, 2014 decision (reference 01) is modified in favor of the appellant. The claimant voluntarily left his employment without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs