

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DANIELLE C JACOBS**  
Claimant

**ARCHER-DANIELS-MIDLAND CO**  
Employer

**APPEAL 20A-UI-04002-ED-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 23, 2020, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on May 27, 2020. The claimant Danielle Jacobs participated and testified. The employer Archer-Daniels-Midland Co. did not participate. Claimant's Exhibits 1 -2 were admitted into the record.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a plant utility worker from April 22, 2019, until this employment ended on May 27, 2019, when she voluntarily quit.

On or about May 26, 2019, Claimant called in to work to notify her supervisor that she would not be coming to work that day and inquiring about whether or not she still had a job. Claimant had been previously warned that if she called in one more time she was done. Claimant did not return to work and waited three days to hear back from her supervisor. When she had not heard from her Supervisor, Claimant believed she no longer had a job. Claimant sent an e-mail dated May 29, 2019 stating she would be returning her uniforms to the guard shack that evening. Claimant's supervisor, Patricia Cash, responded by email that she would have a voluntary resignation letter for Claimant to sign when Claimant dropped off her uniforms at the guard shack. Claimant responded by email that she believed she no longer had a job and had not voluntarily quit. Claimant did not sign the voluntary resignation letter.

Claimant called to speak with the Lead H.R. Director who indicated if she entered Claimant in the system as discharged from work, that designation would prevent Claimant from future

employment with the company. Claimant told the HR Director she did not want to be entered into their system as discharged because she wanted to leave open the possibility to work with the company again. Claimant agreed her separation should be entered as a resignation.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was not discharged but voluntarily left the employment without good cause attributable to employer.

Iowa Code § 96.5(2)a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Code §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.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998). Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. *LaGrange v. Iowa Dep't of Job Serv.*, (No. 4-209/83-1081, Iowa Ct. App. filed June 26, 1984).

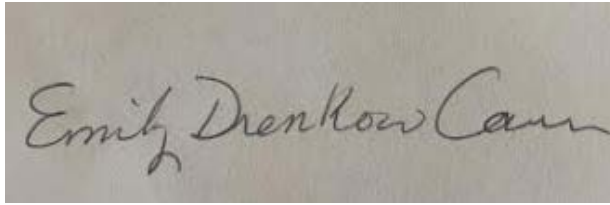
Since claimant did not follow up with management personnel after leaving her initial voicemail and her assumption of inevitably being terminated erroneously, the failure to continue reporting to work was an abandonment of the job. Benefits are denied.

**DECISION:**

The April 23, 2020, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to employer. Benefits are withheld until such time as she is otherwise eligible.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility

under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

A rectangular image showing a handwritten signature in black ink on a light-colored background. The signature reads "Emily Drenkow Carr" in a cursive script.

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Emily Drenkow Carr  
Administrative Law Judge

June 16, 2020  
Decision Dated and Mailed

ed/scn