

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RAYMOND J LOVELL
Claimant

APPEAL 25A-UI-03395-PT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DUTCH MILL SUPPLY INC
Employer

**OC: 04/06/25
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Raymond Lovell, filed an appeal from a decision of a representative dated April 30, 2025, (reference 01) that held the claimant ineligible for unemployment insurance benefits after a separation from employment. After due notice, a telephone hearing was held on May 19, 2025. The claimant participated personally. The employer, Dutch Mill Supply, Inc., participated through the Owner Joshua Payne. The administrative law judge took official notice of the administrative record.

ISSUE:

Whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant began working as a full-time warehouse worker/driver for Dutch Mill Supply, Inc. on September 18, 2024. The claimant last performed work for the employer on April 7, 2025. The claimant worked from 7:00 a.m. to 5:00 p.m. Monday through Friday and every other Saturday. In his position, the claimant was responsible for loading and unloading trucks, distributing products, and sometimes driving semi trucks to deliver products.

Prior to the claimant's employment with Dutch Mill Supply, Inc., the claimant incurred a debt to the owner of the company. When the claimant was hired, the employer offered to pay the claimant \$20 an hour to work as a warehouse worker/truck driver. However, the employer proposed that any overtime the claimant earned would be withheld and applied to the claimant's outstanding debt. The claimant agreed to the arrangement.

In mid-November 2024, the claimant informed the employer that he no longer wanted to be subject to their debt payment arrangement and that he wanted to be paid his full overtime pay. The owner initially did not change their arrangement. For this reason, in early-January 2025, the claimant met with the owner and insisted that he be paid his full overtime pay. Additionally, the claimant informed the employer that he was no longer willing to drive the employer's semi truck as part of his job duties. The employer agreed to both of the claimant's conditions, but informed the claimant that his pay would be reduced from \$20 per hour, which was the standard pay for a

truck driver, to \$17.50 per hour, which was the standard pay for a warehouse worker. The claimant acquiesced to the reduction in pay. The claimant continued working in his position as a warehouse worker until April 7, 2025.

Throughout the claimant's employment with Dutch Mill Supply, Inc., the claimant suffered from a mental health condition that sometimes made it difficult to come to work or complete a full workday. The claimant occasionally mentioned needing time off for appointments to the owner and the owner tried to accommodate the claimant by allowing him to take time off when needed. However, while the claimant sometimes mentioned his mental health to the owner, the claimant's medical provider never issued the claimant any workplace restrictions and the claimant never requested any workplace accommodations for his mental health.

On April 8, 2025, the claimant attended a legal proceeding that caused the claimant significant distress. That night, the claimant texted the employer stating that the legal proceeding had "hurt him deeply" and that he was considering quitting his employment to pursue Social Security Disability Insurance. On April 15, 2025, the claimant returned to work and provided the employer a written notice informing the employer that he was resigning his employment effective immediately. The employer accepted the claimant's resignation. The employer had continuing work available for the claimant had he not quit his employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant separated due to a non-work-related illness without good cause attributable to the employer. Benefits must be withheld.

Iowa Code § 96.5(1)(d) provides:

An individual shall be disqualified for benefits, 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:

d. The individual left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician or physician assistant, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury, or pregnancy, when recovery was certified by a licensed and practicing physician or physician assistant, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

In this case, the claimant's written resignation is both evidence of his intention to sever the employment relationship and an overt act carrying out his intention. The record shows that the claimant, not the employer, ended the employment. As such, the claimant quit his employment.

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). The standard of what a reasonable person would have believed under the circumstances is applied in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993). If the claimant fails to meet their burden, the separation from employment is disqualifying.

Where a claimant gives numerous reasons for leaving employment the agency is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining whether any of those reasons constitute good cause attributable to the employer. *Taylor v. Iowa Dep't of Job Serv.*, 362 N.W.2d 534 (Iowa 1985).

Iowa Admin. Code r. 871-24.18(31) 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 with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits, but the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code sections 96.5(1)"a" through "i" and 96.5(10). The following reasons for a voluntary quit are presumed to be without good cause attributable to the employer:

(31) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- (a) Obtain the advice of a licensed and practicing physician;
- (b) Obtain certification of release for work from a licensed and practicing physician;
- (c) Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- (d) Fully recover so that the claimant could perform all of the duties of the job.

(33) Where claimant gives the employer notice of an intention to resign and the employer accepted such resignation. This rule also applies to a 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 court in *Gilmore v. Empl. Appeal Bd.*, 695 N.W.2d 44 (Iowa Ct. App. 2004) noted:

"Insofar as the Employment Security Law is not designed to provide health and disability insurance, only those employees who experience illness-induced separations that can fairly be attributed to the employer are properly eligible for unemployment benefits."

The weight of the evidence establishes a voluntary quit without good cause attributable to the employer. While the employer withheld the claimant's overtime pay during the first several months of his employment, the employer did so pursuant to an agreement the claimant made

with the employer at the time the claimant was hired. Further, while the employer reduced the claimant's pay from \$20 per hour to \$17.50 per hour in mid-January 2025, the employer did so because the claimant no longer desired to work as a truck driver. Moreover, the claimant acquiesced to the change by continuing to work as a warehouse worker being paid \$17.50 per hour for approximately three months.

Finally, while I find the claimant's testimony that he suffered from a mental health condition credible, the claimant has not presented any medical evidence showing an adequate health reason to justify termination. The claimant presented no evidence that his decision to leave the employment was based on recent advice from a licensed and practicing physician, that there was a medical issue that necessitated his departure from employment, nor that the claimant has recovered and can perform all of the duties of his position. While the claimant's leaving may have been for good personal reasons, he has not established it was for a good-cause reason attributable to the employer according to Iowa Law. As such, benefits must be withheld.

DECISION:

The April 30, 2025 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left his employment on April 8, 2025, without good cause attributable to the employer. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.



Patrick B. Thomas
Administrative Law Judge

May 21, 2025
Decision Dated and Mailed

PBT/jkb

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.