

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHARLES R JAMES**  
Claimant

**APPEAL 22A-UI-08363-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RECORD PRINTING & COPY CENTER L**  
Employer

**OC: 07/11/21  
Claimant: Appellant (5)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the March 25, 2022 (reference 02) unemployment insurance decision that found claimant was not eligible for unemployment benefits due to voluntarily quitting work. The parties were properly notified of the hearing. A telephone hearing was held on May 13, 2022. The claimant participated personally. The employer participated through witness Jeff Vlaanderen. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Did the claimant voluntarily 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: Claimant worked for the employer as a full-time pressman beginning on February 8, 1978. Claimant spoke to his supervisor, Jeff Vlaanderen, about retiring and told him that July 9, 2021 would be his last day of work. Mr. Vlaanderen allowed the claimant to work up until July 9, 2021 and claimant separated from employment thereafter. There was continuing work available to the claimant if he would have continued working for the employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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.

Claimant had an intention to quit and carried out that intention by tendering a verbal resignation. As such, 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).

Iowa Admin. Code r. 871-24.25(37) provides:

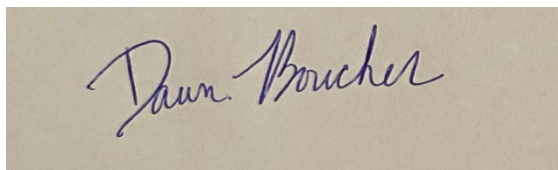
Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified 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.

The claimant voluntarily quit his employment by tendering his verbal resignation. His voluntary quitting was not attributable to the employer. As such, unemployment insurance benefits funded by the State of Iowa are denied effective his original claim date of July 11, 2021, as the separation from employment was disqualifying.

**DECISION:**

The March 25, 2022 (reference 02) unemployment insurance benefits decision is modified with no change in effect. Claimant voluntarily quit his employment without good cause attributable to the employer on July 9, 2021. Unemployment insurance benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount after the July 9, 2021 separation date, and provided the claimant is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

May 17, 2022  
Decision Dated and Mailed

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