

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**BRAD KNOWLES
125 MORNINGVIEW ST
DENISON IA 51442-2203**

**MEDIA SOLUTIONS INC
CARROLL TODAY NEWSPAPER
PO BOX 593
CARROLL IA 51401-0593**

**Appeal Number: 06A-UI-02068-DWT
OC: 01/08/06 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Brad Knowles (claimant) appealed a representative's February 7, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Carroll Today Newspaper (employer) would not be charged because the claimant had voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 9, 2006. The claimant participated in the hearing. Luke Knowles and Nick Roseberry appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 his employment for reasons that qualify him to receive unemployment insurance benefits or did the employer discharge him from work?

FINDINGS OF FACT:

The claimant had previously worked for the employer. The employer rehired the claimant as a sports writer on November 28, 2004. On November 22, 2005, the claimant vented frustrations he had about work to Roseberry, the employer's sports editor. While venting his frustrations, the claimant made the comment, "I'm discouraged. I think I'll quit in two weeks."

In a November 22 e-mail, Roseberry conveyed to Luke Knowles, the publisher, the claimant had just given his two-week notice. On November 23, Luke Knowles sent the claimant an e-mail indicating he was sorry to hear the claimant had resigned. The employer also informed the claimant that the employer accepted the claimant's resignation. Based on previous discussions the employer had with the claimant and the claimant's previous employment with the employer, Luke Knowles was not surprised that the claimant told Roseberry he was resigning.

When the claimant received the employer's November 23, 2005 e-mail, he made no attempt to contact the employer. Luke Knowles and the claimant are related. The two were unexpectedly at another relative's home on December 1, 2005. On December 1, 2005, the claimant told Luke Knowles he would like to continue his employment. Luke Knowles responded by telling the claimant he was considering this possibility. The claimant also talked to the employer about his bonus check that the claimant was to receive after working a year for the employer.

The employer never told the claimant he could continue to work for the employer. After the claimant turned in his assignment on December 5, Roseberry did not give him any more assignments or send the claimant any information for a story. December 6 was the last day of the claimant's two-week resignation notice.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for work-connected misconduct. Iowa Code § 96.5-1, 2-1. On November 22, the claimant told the sports editor he was giving the employer his two-weeks' notice. When the claimant did not respond to the employer's November 23, 2005 e-mail where the employer accepted the claimant's resignation, the claimant's failure to immediately contact the employer to clear up any miscommunication, in addition to his verbal November 22 comment, supports the conclusion that the claimant voluntarily quit his employer on November 22, 2005.

When a claimant quits, he has the burden to establish he quit his employment with good cause attributable to the employer. Iowa Code § 96.6-2. In this case, the first time the claimant attempted to rescind his resignation was December 1. Since the employer had already accepted the claimant's resignation on November 23, the employer had no legal obligation to continue the claimant's employment after December 6. The fact an employee attempts to rescind a resignation does not turn a quit into a discharge situation when the employer has already accepted the employee's resignation. The claimant's attempt to continue his

employment indicates the frustrations he expressed on November 22 were not as bad as being unemployed. This is a factor that must be considered in determining whether the claimant had good cause to quit on November 22. Also, only the issues that existed as of November 22 can be considered when deciding if the claimant had good cause to quit.

The evidence establishes the claimant had compelling personal reasons for resigning on November 22. These reasons do not establish good cause for unemployment insurance purposes. As of January 8, 2006, the claimant is not qualified to receive unemployment insurance benefits.

The claimant's bonus was not due until November 25 and problems with a paycheck did not occur until after November 23. Since these issues or problems did not exist when the claimant resigned, they cannot be considered a factor the claimant considered when he verbally resigned on November 22, 2005.

DECISION:

The representative's February 7, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit his employment on November 22, 2005, when he gave his verbal two-week resignation notice to a co-worker who in turn informed the employer. The claimant confirmed he resigned by saying nothing after he received the employer's November 23 e-mail informing the claimant that his resignation had been accepted. The claimant quit for personal reasons that do not amount to good cause. The claimant is disqualified from receiving unemployment insurance benefits as of January 8, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/kkf