

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DALLAS M BLACKFORD
Claimant

LENNOX INDUSTRIES INC
Employer

APPEAL 21A-UI-24064-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/12/21
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the October 18, 2021 (reference 02) unemployment insurance decision that denied benefits finding that claimant quit his employment with Lennox Industries on September 13, 2021 for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on December 21, 2021. Claimant participated. Employer participated through Tyler Schilling, Operations Manager. No exhibits were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was employed as a full-time Distribution Associate from February 2020 until his employment with Lennox Industries ended on September 13, 2021. Claimant worked Monday through Friday from 3:30 p.m. until midnight. Claimant's direct supervisor was Jason Kelly, Operations Supervisor.

On September 13, 2021, claimant notified employer that he was quitting effective September 24, 2021. Employer immediately discharged claimant; employer did not allow claimant to work the notice period. Employer did not compensate claimant for the notice period. Claimant quit to accept other employment with Emerson and began that employment on September 27, 2021.

Employer had continuing work available for claimant if he had not quit. Claimant's job was not in jeopardy.

Claimant filed an initial claim for benefits effective September 12, 2021 and ongoing weekly claims for the two benefit weeks ending September 18, 2021 and September 25, 2021.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.5(1) 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.

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).

Iowa Admin. Code r. 871-24.25(38) 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:

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

Claimant resigned on September 13, 2021 with an effective date of September 24, 2021. Employer discharged claimant immediately. No disqualification is imposed during claimant's notice period. Benefits are allowed provided claimant is otherwise eligible.

DECISION:

The October 18, 2021 (reference 02) unemployment insurance decision is modified in favor of appellant. Employer discharged claimant during his resignation notice period. Benefits are allowed from September 12, 2021 through September 25, 2021 provided claimant is otherwise eligible.



Adrienne C. Williamson
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December 28, 2021
Decision Dated and Mailed

acw/acw