

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

MICHAEL E BONNETT  
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LEWIS BROS INC  
931 GRANDVIEW  
MUSCATINE IA 52761

Appeal Number: 04A-UI-03152-MT  
OC: 08/03/03 R: 02  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 12, 2004, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 14, 2004. Claimant participated. Employer participated by Gary Ballard, Manufacturing Engineer and Project Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 15, 2004. Claimant quit

because of an argument he had with a vending machine worker at the Titan Tire work site. Claimant was told to leave the Titan Tire property and not come back. Later in December he was told that he could now come back and work for Lewis Bros at the Titan Tire site. On the first day claimant was told to keep out of sight if Joyce was out in the plant. Claimant took that as a directive that he was not to be on the Titan property. Claimant never returned to work again. Claimant called the employer and left a message but never made any effort to ask for other job assignments. Claimant filed for unemployment and collected all his benefits before his claim was finally adjudicated after the quarterly statement was sent to the employer.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he believed that he was not allowed to work on Titan property. This is not good cause because claimant did not take this up with the employer. He simply left, assuming that no more work was available. Employer was left in the dark as to why and what happened to the employment relationship. This is a quit for personal reasons and not good cause attributable to employer. Claimant had a duty to return to the employer and ask for further work. Claimant failed to act reasonably.

Iowa Code Section 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.

#### DECISION:

The decision of the representative dated March 12, 2004, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

mdm\b