

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

RANDALL E MAIRET
Claimant

APPEAL NO. 12A-UI-04523-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOUDS STONE INC
Employer

OC: 03/18/12
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 12, 2012, reference 03, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 10, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Randy Cox participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a loader operator and miner from April 2005 to July 31, 2011.

The claimant quit his employment on July 31, 2011, because he was dissatisfied with the stress of working underground and did not see any potential for advancement in the company. He moved away to attend school at ITT Technical Institute in Clive, Iowa. He started school there in September 2011.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The rules provide that a claimant who quits employment to relocate to a different locality, to attend school, or due to dissatisfaction with the work environment is presumed to have voluntarily quit employment without good cause attributable to the employer. 871 IAC 24.25 (2), (21) & (26). The claimant had not shown good cause attributable to the employer for quitting his job. The claimant knew when he took the job that there are some inherent safety concerns regarding his job. He has not shown that the employer violated any Occupational Safety and Health Administration rules or otherwise maintained unsafe working conditions. While the

claimant's decision to leave employment to better himself is understandable, no good cause attributable to the employer has been proven.

DECISION:

The unemployment insurance decision dated April 12, 2012, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs