

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DILLON HORTON**  
Claimant

**ANDERSEN DISTRIBUTION INC**  
Employer

**APPEAL NO. 18A-UI-01097-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/24/17  
Claimant: Appellant (1R)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 16, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 19, 2018. Claimant participated and with witness Meranda Sheridan. Employer participated by Chris Short.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**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 February 1, 2017. Claimant was deemed to have voluntarily quit as of May 21, 2017 after employer had sent claimant a letter on March 20, 2017, asking claimant to respond to the letter and claimant neither responded nor returned to work.

Claimant worked as a driver for employer. Claimant had difficulties and asked employer for an extended time off from work. Employer did not cause claimant's difficulties. After claimant spoke with his doctor, it was decided that it would be in claimant's best interest not to continue with his employment.

Since the date of claimant's quit from this employer, claimant did take up additional work wherein claimant did make \$8,835.71 in the fourth quarter of 2017 from Tom Swan Construction. Such payments were reported to Iowa Workforce Development.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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 driving a truck was not an appropriate job for claimant.

Whereas claimant did voluntarily quit without good cause attributable to employer, the administrative law judge asks that fact finders in this matter further explore to determine whether claimant has earned 10x his weekly benefit in wages since the time of job separation and whether this would allow claimant to receive unemployment benefits in this matter.

**DECISION:**

The decision of the representative dated January 16, 2018, reference 01, is affirmed, but Remanded to the fact-finder to explore the issue of claimant's eligibility based on receipt of ten time's claimant's weekly benefit amount since the date of job separation, and is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn