

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY P LUND
Claimant

APPEAL NO: 08A-UI-07603-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AG PARTNERS LLC
Employer

**OC: 05/25/08 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Timothy P. Lund (claimant) appealed a representative's August 14, 2008 decision (reference 01) that concluded he was not qualified to receive regular unemployment insurance benefits, and the account of Ag Partners LLC (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 8, 2008. The claimant participated in the hearing. Betty Swenson and Scott Loveland 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 regular unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 20, 1999, as a part-time employee. On July 1, 1999, the claimant started working full-time as a truck driver.

The claimant gave the employer his resignation notice that indicated his last day work would be December 14, 2007. The employer heard the claimant quit to work as a truck driver for another employer. The claimant, however, quit to go into farming full time.

The claimant filed a claim for unemployment insurance benefits as part of the process that is required when filing for Disaster Unemployment Assistance (DUA). As a result of a flood many counties in Iowa were declared federal disaster areas, which made farmers potentially eligible to receive federal disaster unemployment assistance (DUA). On August 18, 2008, the Department concluded the claimant was eligible to receive DUA benefits.

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. Iowa Code section 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code section 96.6-2.

The claimant quit his employment on December 14 to farm full-time. For regular unemployment insurance purposes, the claimant quit his employment for reasons that do not qualify him to receive benefits. 871 IAC 24.25(19). Therefore, as of May 25, 2008, the claimant is not qualified to receive regular unemployment insurance benefits.

Since the claimant is not eligible to receive regular unemployment insurance benefits, on August 18, 2008, the Department determined he is eligible to receive DUA benefits as of May 25, 2008. The claimant was found eligible to receive federal DUA benefits because as a farmer he became unemployed as the result of disaster conditions that affected many counties in Iowa.

DECISION:

The representative's August 14, 2008 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving regular unemployment insurance benefits as of May 25, 2008. The employer's account will not be charged. Since the claimant is not eligible to receive regular unemployment, he was found eligible to receive federal DUA benefits as of May 25, 2008.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs