

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAIME AYARD**  
Claimant

**APPEAL NO: 10A-UI-12359-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BELLE PLAINE NURSERY INC**  
Employer

**OC: 12/16/07**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(3) – Seek Other Employment

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated August 25, 2010, reference 01, that held he voluntarily quit without good cause attributable to his employer on July 28, 2010, and benefits are denied. A telephone hearing was held on October 19, 2010. The claimant did not participate. Robbie Ward, Assistant and Yard Manager, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time seasonal laborer from June 7, 2010 to July 28. The claimant quit his job by telling the employer he had another job. The record does not show the other employer.

The claimant could not be reached at the telephone he provided.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 24.25(3) 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:

(3) The claimant left to seek other employment but did not secure employment.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to seeking other employment on July 28, 2010.

The claimant failed to participate in this hearing to provide evidence he left for other employment or any other reason that might be considered a good cause.

**DECISION:**

The department decision dated August 25, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause on July 28, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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