

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

COREY L PITTARD
600 E 6TH AVENUE
MILAN IL 61264

MISSISSIPPI BELLE II
PO BOX 1234
311 RIVERVIEW DR
CLINTON IA 52733-1234

Appeal Number: 04A-UI-00082-BT
OC: 11/23/03 R: 04
Claimant: Appellant (5)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Corey Pittard (claimant) appealed an unemployment insurance decision dated December 19, 2003, reference 01, which held that he was not eligible for unemployment insurance benefits because he was discharged for work-connected misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 28, 2004. The claimant participated in the hearing. The employer participated through Randi Tompkins, Human Resources Director. Larry Harriman and Vicki Quick were available but offered no testimony for the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time dealer from August 30, 1994 through August 24, 2003, after which he stopped reporting to work. His gaming license had been suspended on August 24, 2003 due to pending criminal charges and he was not allowed to work for a gaming establishment in Iowa if he did not have a valid license. The employer next heard from the claimant on September 2, 2003, when he inquired about his insurance. The claimant's gaming license was subsequently revoked on October 15, 2003.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant demonstrated his intent to quit and acted to carry it out when he stopped reporting to work after August 24, 2003. It is his burden to prove that the voluntary quit was for a good reason that would not disqualify him. Iowa Code Section 96.6-2. The claimant quit his employment because he had lost his gaming license due to pending criminal charges and he was not allowed to work without it. The claimant's separation from his employment is not attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated December 19, 2003, reference 01, is modified with no effect. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

sdb/b