

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS PRUDEN
Claimant

APPEAL NO. 11A-UI-11399-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

ISLE OF CAPRI BETTENDORF LC
Employer

OC: 08-07-11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 26, 2011, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 27, 2011. The claimant participated in the hearing. Jamie Brieche, employee relations supervisor, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time banquet server for Isle of Capri Bettendorf from February 23, 2009 to April 21, 2011. On March 23, 2011, he submitted his resignation notice effective April 21, 2011, because he wanted to devote himself to his disc jockey (DJ) business full-time. Approximately one week before he was scheduled to leave his employment with Isle of Capri, his DJ business ceased to exist as it had previously because the two men he partnered with stole his gigs and clients, so that business has been put on hold. He asked the employer if he could rescind his resignation but was not allowed to do so, because the employer stated it was too late.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant quit to pursue his own DJ business, which is a good personal reason, his leaving was not for good cause attributable to the employer (emphasis added) as required by Iowa law. Consequently, although the administrative law judge admires the claimant's desire to make his own business a success, he has not demonstrated that he left his employment with Isle of Capri because of unlawful, intolerable, or detrimental working conditions. Therefore, benefits must be denied.

DECISION:

The August 26, 2011, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw