

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSH P TICHLER
Claimant

APPEAL NO. 09A-UI-04124-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CUSTOM-PAK INC
Employer

**Original Claim: 01/18/09
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Josh Tichler filed an appeal from a representative's decision dated March 9, 2009, reference 01, which denied benefits based on his separation from Custom-Pak, Inc. After due notice was issued, a hearing was held by telephone on April 9, 2009. Mr. Tichler participated personally. The employer participated by Andrea Lawrence, Human Resources Manager. Exhibits One through Four were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Tichler was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Tichler was employed by Custom-Pak, Inc. from February 26, 2008 until January 9, 2009 as a full-time machine operator. At approximately 2:00 a.m. on January 9, he told his supervisor that he was leaving but did not indicate it was due to illness. The supervisor asked if he had someone to run his machine. Mr. Tichler said "no" and left without any further explanation.

Prior to leaving on January 9, Mr. Tichler told at least two coworkers that he intended to quit. Another employee said Ryan Knutsen told her he and Mr. Tichler were planning to walk out and quit. Mr. Tichler had not had any problems with the individuals who provided statements to the employer. Mr. Tichler contacted the human resources department on January 10 but was not allowed to return to work. He told human resources that he left only after getting permission from his supervisor to leave because of illness. This contention was not confirmed by the supervisor.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Mr. Tichler voluntarily quit his employment. This conclusion is based on the fact that he told coworkers that he was quitting and the fact that he left shortly after making such statements. The coworkers did not assume he was quitting based on the fact that he left with Mr. Knutsen, who also said he was quitting. The statements from coworkers refer to conversations they had directly with Mr. Tichler regarding his intentions. Moreover, Mr. Knutsen told at least one coworker that both he and Mr. Tichler were planning to quit. It seems unlikely Mr. Knutsen would purport to speak on Mr. Tichler's behalf if the two had not discussed quitting.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Having taken the position that he did not quit, Mr. Tichler did not offer any reason he would quit the employment. The evidence of record does not establish any good cause attributable to the employer for the quit. As such, benefits are denied.

DECISION:

The representative's decision dated March 9, 2009, reference 01, is hereby affirmed. Mr. Tichler voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw