

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES H PITTS

Claimant

APPEAL NO. 08A-UI-11491-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MDS RECORDS MANAGEMENT

Employer

**OC: 11/25/07 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Charles Pitts filed an appeal from a representative's decision dated December 5, 2008, reference 06, which denied benefits based upon his separation from MDS Records Management. After due notice was issued, a hearing was held by telephone on December 22, 2008. The claimant participated personally. The employer participated by Connie Hatfield, Greg Dickinson, Michelle Antlong, Pat McCaslin, and Randy Worth.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from June 9, 2008, until November 7, 2008, when he voluntarily quit employment. Mr. Pitts was employed as a van driver/warehouse worker on a full-time basis and was paid by the hour. His immediate supervisor was Pat McCaslin.

Mr. Pitts left his employment without providing any advance notice to the employer after being assigned to take a drug screen by the company. The claimant initially requested a three-day delay in the testing so that prescription substances in his system could dissipate. When the employer was unable to grant a delay in the drug testing, Mr. Pitts chose to leave his employment with the company.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Pitts quit his employment for reasons attributable to the employer. It does not.

The evidence in the record establishes the claimant chose to leave his employment with MDS Records Management rather than undergo a drug screening required by the company. Mr. Pitts was aware that the company required employees to undergo drug testing. The claimant chose

not to take the test and to quit his employment with the company because he felt he could not successfully pass the test. While Mr. Pitts' reasons for leaving employment were personally compelling, they were not attributable to the employer. Unemployment insurance benefits are withheld.

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.

DECISION:

The representative's decision dated December 5, 2008, reference 06, is affirmed. The claimant voluntarily quit employment for reasons that were not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw