

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALAN J MOREY**  
Claimant

**APPEAL NO. 11A-UI-11836-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEARS ROEBUCK & CO**  
Employer

**OC: 01/09/11  
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Sears, Roebuck & Company filed a timely appeal from an unemployment insurance decision dated August 31, 2011, reference 02, that allowed benefits to Alan J. Morey. After due notice was issued, a telephone hearing was held October 4, 2011 with Human Resources Lead Jaclyn Buttermore participating for the employer. Chad King and Alexis Conlon were on the line but were not called to testify. Mr. Morey did not respond to the hearing notice. The administrative law judge takes official notice of agency benefit payment records.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**FINDINGS OF FACT:**

Alan J. Morey worked as a service technician for Sears, Roebuck & Company from January 13, 2011 until he walked off the job on August 10, 2011. He told a co-worker that he was leaving employment, possibly to take other employment at Walmart. Mr. Morey did not contact Sears again. Work was still available had he not resigned.

Mr. Morey has not requested unemployment insurance benefits since filing an additional claim during the week of August 7, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence in this record establishes that the claimant left work with good cause attributable to the employer. It does not.

Iowa Code § 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.

The claimant has the burden of proof. See Iowa Code § 96.6-2. The claimant did not participate in the hearing. The employer's evidence establishes that Mr. Morey left work to seek other employment while continuing employment was still available. Based on this evidence, the administrative law judge concludes that the claimant did not leave employment with good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The unemployment insurance decision dated August 31, 2011, reference 02, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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