

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**WAYNE D WEISSER**  
Claimant

**DON BORNEKE CONSTRUCTION INC**  
Employer

**APPEAL NO. 19A-UI-01193-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/06/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 1, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 26, 2019. Claimant participated. Employer participated by James Loppnow.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 26, 2018. On December 27, 2018, claimant texted into work stating that he was sick. Later in the day claimant texted into work that he was going into in-patient treatment. At the time claimant went into treatment he did not tell employer the dates of his treatment. Claimant stated that he did quit his job through this text. Employer stated that there was ongoing work available for claimant at the time of his quit. Claimant stated that his quit was not caused by anything on the part of employer.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he needed to go into treatment to deal with his addictions.

Ordinarily “good cause” is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O’Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). “The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith.” *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). “Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee’s quit in order to attribute the cause for the termination.” *Id.* In this matter, claimant had a good cause to quit his employment – to deal with his addiction. But, in order to be eligible to receive benefits a claimant must show not only that he has good cause to quit his employment, but also that the good cause for his quit is attributable to employer. In this matter, claimant openly stated that his quitting was not attributable to employer, but rather simply attributable to himself and his addiction. This is disqualifying from the receipt of unemployment benefits.

**DECISION:**

The decision of the representative dated February 1, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant’s weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn