

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEVI MATNEY
Claimant

APPEAL NO. 08O-UI-11313-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

H & H TRAILER COMPANY
Employer

**OC: 08/17/08 R: 01
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Levi Matney (claimant) appealed an unemployment insurance decision dated September 9, 2008, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with H & H Trailer Company (employer) without good cause attributable to the employer. Administrative Law Judge Ackerman conducted an initial hearing on this matter in appeal 08A-UI-08290-BT in which benefits were denied. The claimant appealed the decision, claiming he was not allowed to present evidence on an unsafe work environment. Administrative Law Judge Ackerman determined the separation was not due to an unsafe work environment and therefore determined the evidence was not relevant. The Employment Appeal Board order dated November 26, 2008 remanded for a new hearing for the purpose of taking additional evidence. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 17, 2008. The claimant participated in the hearing. The employer participated through John Murphy, Plant Manager; Tracey Roush, Human Resources; and Andy McQueen, Supervisor. Claimant's Exhibits A and B were admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 08A-UI-08290-BT are adopted and incorporated herein as if set forth at length.

The administrative law judge accepted the evidence presented by the claimant's representative in this hearing, which purportedly establishes an unsafe or detrimental work condition. While an administrative law judge has a heightened duty to develop the record, the administrative law judge likewise has a duty to limit the information presented to relevant evidence. It was

previously determined that the claimant did not leave his employment due to an unsafe work environment. The additional evidence was considered but does not alter that determination.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 08A-UI-08290-BT are adopted and incorporated herein as if set forth at length.

DECISION:

The unemployment insurance decision dated September 9, 2008, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw