

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**PATRICK S HANNIFORD  
175 S HILL ST  
DUBUQUE IA 52003**

**THE IRISH COTTAGE  
9853 US HIGHWAY 20  
GALENA IL 61036**

**Appeal Number: 05A-UI-05733-HT  
OC: 04/24/05 R: 04  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) - Quit

STATEMENT OF THE CASE:

The claimant, Patrick Hanniford, filed an appeal from a decision dated May 19, 2005, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 16, 2005. The claimant participated on his own behalf. The employer, The Irish Cottage, did not provide a telephone number where a representative could be contacted and did not participate.

#### FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Patrick Hanniford was employed by The Irish Cottage from November 1, 2004 until April 8, 2005. He was the full-time general manager.

On April 8, 2005, Owners Jack Colter and Basil Conroy, and Marketing and Sales Director Laura LeGrande, met with the claimant to discuss his progress. They had some concerns because although he was doing well enough on the "food" side of the business, his progress was not as good on the "hotel" side. The busy season was approaching and the employer did not want to manager to become overwhelmed by the increase in work.

Mr. Hanniford stated that since the employer did not seem to have any confidence in him he would leave, but asked for time to look for a new job. He did not work past April 8, 2005, but was paid two weeks of vacation as severance.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

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.

871 IAC 24.25(33) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

Mr. Hanniford quit because he felt the employer did not have confidence in his ability to handle his job responsibilities during the busy season. Although the employer did express some concerns there is no indication in the record he was requested to resign or threatened with discharge. Under the provisions of the above Administrative Code section, the claimant's perception that he would be fired does not constitute good cause attributable to the employer. He is disqualified.

DECISION:

The representative's decision of May 19, 2005, reference 02, is affirmed. Patrick Hanniford is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

bgh/pjs