

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICHOLAS H STUMPPF
Claimant

APPEAL NO. 06A-UI-11782-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREG'S LAWN SERVICE INC
Employer

**OC: 10/29/06 R: 03
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Nicholas Stumpff filed an appeal from a representative's decision dated November 29, 2006, reference 05, which denied benefits based on his separation from Greg's Lawn Service, Inc. After due notice was issued, a hearing was held by telephone on December 21, 2006. Mr. Stumpff participated personally. The employer participated by Greg Scharf, President, and Donna Scharf, Vice President.

ISSUE:

At issue in this matter is whether Mr. Stumpff was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Stumpff began working for Greg's Lawn Service, Inc. on July 12, 2006 and last performed services on October 30, 2006. He worked full time performing irrigation work. He was presumed to have quit when he stopped reporting for available work with no notice to the employer. After October 30, the employer did not hear further from Mr. Stumpff until he came to get his paycheck on November 10, 2006. Continued work would have been available if Mr. Stumpff had continued reporting for work.

The employer has not laid off any of the employees who work in irrigation as that work is still being performed. Employees in other sections of the business have been laid off for the season. Individuals from other sections assisted with irrigation after Mr. Stumpff left the employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Mr. Stumpff abandoned his job when he stopped reporting for available work. His separation is considered a voluntary quit. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code

section 96.5(1). Mr. Stumpff has maintained that he was laid off. Therefore, he did not offer any reason as to why he would quit the employment. The evidence of record does not establish any good cause attributable to the employer for the separation. Accordingly, benefits are denied.

DECISION:

The representative's decision dated November 29, 2006, reference 05, is hereby affirmed. Mr. Stumpff voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw