

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KYLE WELTER**  
Claimant

**APPEAL NO: 12A-UI-12208-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WISE MOTELS INC**  
Employer

**OC: 12-11-11**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the October 9, 2012, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 6, 2012. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Sue Shephard, Manager of the Super 8 in Walnut, Iowa, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time night audit clerk for Wise Motels from May 7, 2012 to June 21, 2012, at which time the hotel was sold to Ambica LLC June 21, 2012. The claimant continued working for Ambica until September 2012 when the claimant voluntarily left his employment.

The claimant has not received benefits since his separation from this employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2. The claimant was offered a position with the new employer and worked for that employer until voluntarily leaving his employment in September 2012. The claimant did not participate in the hearing and offer any reasons for quitting his part-time employment. Under these circumstances, the administrative law judge must conclude the claimant has not demonstrated that his leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

**DECISION:**

The October 9, 2012, reference 03, decision is reversed. The claimant voluntarily left his employment without 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 benefit amount, provided he is otherwise eligible. The claimant has not received benefits since his separation from this employer.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs