

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER J RUBINO
Claimant

APPEAL NO. 09A-UI-01440-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CEDAR VALLEY STEEL INC
Employer

**OC: 03/23/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Christopher J. Rubino filed a timely appeal from an unemployment insurance decision dated January 21, 2009, reference 02, that disqualified him for benefits. After due notice was issued, a telephone hearing was held February 16, 2009 with Mr. Rubino participating. Project Manager Steve Knipper participated for the employer, Cedar Valley Steel, Inc.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Christopher J. Rubino was employed as an iron worker for Cedar Valley Steel, Inc. for approximately two weeks before resigning on November 3, 2008 in order to enter drug rehabilitation. Further work was available to him had he not resigned.

Mr. Rubino was in intensive outpatient care until late December. He has worked for PCI Steel since being allowed to return to employment while he participates in evening group therapy.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. The evidence establishes that Mr. Rubino left for good personal cause but not for any cause attributable to Cedar Valley Steel, Inc. Under these circumstances, benefits must be withheld.

DECISION:

The unemployment insurance decision dated January 21, 2009, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs