

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOUGLAS A MORAN-GONZALEZ
Claimant

APPEAL NO. 13A-UI-13164-MT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

E & K OF OMAHA INC
Employer

**OC: 10/13/13
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 2, 2013, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 18, 2013. Claimant participated. Employer participated by Joi Katskee, Accounts Payable.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 9, 2013. Claimant worked until no more work was available. Claimant called in to ask for more work after the layoff. Claimant called in for four days in a row before giving up and going to look for other employment.

Employer's version of the events was by means of hearsay only.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because no further work was available. Claimant completed his last assignment then called in to ask for more work. Since no work was available this is a layoff by employer which is good cause attributable to employer. Employer's hearsay version of the events is not as credible as claimant's sworn testimony. Where conflicts exist, claimant's version is found correct. Benefits allowed.

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.

DECISION:

The decision of the representative dated December 2, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css/css