

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN F ZIDON
Claimant

APPEAL NO: 07A-UI-03485-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PRINCE AGRI PRODUCTS INC
Employer

**OC: 03/18/07 R: 02
Claimant: Appellant (1)**

Section 96.5-1- Voluntary Quit

STATEMENT OF THE CASE:

John F. Zidon (claimant) appealed a representative's April 4, 2007 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Prince Agri Products, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known address of record, a telephone hearing was held on April 19, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Adrian Foster and Clayton Lampkin appeared on the employer's behalf.

After the employer had been excused and the hearing closed, the claimant contacted the Appeals Section for the first time. The claimant made a request to reopen the hearing. Based on the claimant request to reopen the hearing, the record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is there good cause to reopen the hearing?

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on April 10, 2006. The claimant worked as a full-time dairy technician.

After the employer changed the claimant's goals and expectations in July 2006, the claimant started becoming apprehensive. The claimant felt increasing pressure at work. On November 22, 2006, the employer gave the claimant a performance improvement plan because he was not meeting all of employer's expectations. The claimant would not sign the performance improvement plan. On November 30, 2006, the claimant informed the employer

he had recently seen his doctor who indicated the claimant needed to make a change in his lifestyle. The claimant then submitted his resignation, which was effective immediately. The employer had no idea the claimant would resign as a result of the work improvement plan. The claimant informed the employer he was resigning for personal reasons.

A hearing notice was mailed to the parties on April 9, 2007. The claimant received the hearing notice within a few days. The claimant read that the hearing was scheduled on April 19 at 1:00 p.m. He did not read the instructions informing him that he had to call the Appeals Section before the hearing or he would not be called for the hearing.

The employer properly responded to the hearing notice and participated in the hearing. The claimant contacted the Appeals Section after the hearing had been closed and the employer had been excused. The claimant requested that the hearing be reopened.

REASONING AND CONCLUSIONS OF LAW:

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c).

The claimant did not read all of follow the hearing instructions. Therefore, based on 871 IAC 26.14(7), the claimant did not establish good cause to reopen the hearing. The claimant's request to reopen the hearing is denied.

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

When a claimant quits employment because his employment aggravates an illness or injury that makes it impossible for the claimant to work without causing serious health problems, the claimant must inform the employer about the health-related problem before he quits and inform the employer he intends to quit unless the employer is able to make reasonable accommodations. 871 IAC 24.26(6)(b).

While the claimant may have quit for health-related problems, he failed to inform the employer about any health issues before he quit. The claimant did not satisfy the requirements of 871 IAC 24.26(6)(b). The record shows the claimant had compelling personal reasons for quitting his employment. The claimant, however, quit for reasons that do not qualify him to receive unemployment insurance benefits. As of March 18, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The claimant's request to reopen the hearing is denied. The representative's April 4, 2007 decision (reference 01) is affirmed. The claimant quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified

from receiving unemployment insurance benefits as of March 18, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css