

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT L VOSEBERG
Claimant

APPEAL NO. 07A-UI-11388-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADDOCO INC
Employer

**OC: 11/04/07 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Scott L. Voseberg (claimant) appealed a representative's November 28, 2007 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of ADDOCO, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 28, 2007. The claimant participated in the hearing. Marilyn Thill, the office manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The employer rehired the claimant on April 10, 2006. The claimant worked as a full-time machine operator. After the employer rehired the claimant, he has worked with a wrist guard or wrap because his wrist hurt or bothered him. The claimant did not report any injury to his wrist when he worked for the employer.

During the last six months of his employment, the claimant's wrist bothered him more than it had previously. On September 7, the claimant received a written warning for an unexcused absence. If the claimant had another unexcused absence, he would receive a suspension.

After the claimant finished working on October 3, 2007, he did not return to work. On October 4, the claimant's wrist hurt him to the extent that he went to the hospital to see if a doctor would examine his wrist and charge the employer for the treatment. Hospital personnel informed the claimant that the employer had to refer the claimant to one of the doctor's at the clinic before the hospital would charge the employer for the doctor's visit. The claimant understood the employer

would not schedule an appointment for his wrist, because the claimant did not have a work-related injury.

The claimant did not return to work after October 3. The claimant informed the employer in a written note he was quitting because he had personal issues he decided he had to resolve. The employer understood the claimant was going to enter a long-term treatment center.

If the claimant had returned to work after October 3, he would have received a suspension for having another unexcused absence, but the employer would not have discharged him at that time.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The claimant's failure to return to work after October 3 in addition to the note he gave for the employer establishes that the claimant made the decision to quit his employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The claimant established compelling personal reasons for quitting. Since the claimant did not assert his wrist problems were the result of a work-related injury, it was his responsibility to pay a doctor to examine his wrist. When the claimant informed the employer he was quitting, he indicated he quit because of compelling personal issues. While the claimant may have made the best choice for his personal well-being, the claimant quit for reasons that do not qualify him to receive unemployment insurance benefits.

DECISION:

The representative's November 28, 2007 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 4, 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/kjw