

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JASON M MCCAUGHEY**  
Claimant

**APPEAL NO. 11A-UI-02376-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S GENERAL STORES**  
Employer

**OC: 12/19/10  
Claimant: Appellant (4)**

Section 96.5(1)g – Voluntary Quit/Requalification

**STATEMENT OF THE CASE:**

Jason McCaughey filed an appeal from a representative's decision dated February 25, 2011, reference 02, which denied benefits on a finding that he was on a requested leave of absence from Casey's General Stores. After due notice was issued, a hearing was held by telephone on March 23, 2011. The employer participated by Kristine Lewellin, Manager. Mr. McCaughey responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing.

**ISSUE:**

At issue in this matter is whether Mr. McCaughey was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. McCaughey was employed by Casey's beginning September 14, 2009. He worked as a cashier. His last day of work was May 7, 2010. He had told the employer approximately two months prior that he would be leaving due to military deployment in June of 2010. The employer subsequently learned that he had not, in fact, been deployed. Continued work would have been available if he had not quit.

Mr. McCaughey had gross earnings of \$1,980.00 during the third quarter of 2010 and gross earnings of \$2,247.00 during the fourth quarter of 2010. His weekly job insurance benefit amount is \$183.00

**REASONING AND CONCLUSIONS OF LAW:**

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code § 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. Mr. McCaughey told the employer that he was quitting in anticipating

being deployed overseas by the military. Because he was not deployed, the provisions of 871 IAC 24.25(8) are not applicable.

The evidence of record does not establish any good cause attributable to Casey's for Mr. McCaughey's quit. He has, however, requalified for benefits by earning over ten times his weekly benefit amount in insured wages since the separation. Therefore, he is entitled to benefits pursuant to Iowa Code § 96.5(1)g. Any benefits paid to him as a result of the decision herein will not be charged to Casey's.

**DECISION:**

The representative's decision dated February 25, 2011, reference 02, is hereby modified. Mr. McCaughey quit his employment with Casey's for no good cause attributable to the employer but has subsequently requalified for benefits. Benefits are allowed, provided he is otherwise eligible, but shall not be charged to Casey's.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs