

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD D MOYER
Claimant

APPEAL NO. 12A-UI-00294-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PROLAWN PLUS INC
Employer

OC: 11/20/11
Claimant: Appellant (1)

Section 96.5(1) - Quit

STATEMENT OF THE CASE:

The claimant, Todd Moyer, filed an appeal from a decision dated January 5, 2012, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on January 30, 2012. The claimant participated on his own behalf. The employer provided a telephone number to the Appeals Section. That number was dialed at 1:59 p.m. and the only response was a voice mail. A message was left indicating the hearing would proceed without the employer's participation unless the witness contacted the Appeals Section prior to the close of the record. By the time the record was closed at 2:13 p.m. the employer had not responded to the message and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Todd Moyer was employed by Prolawn from January 1 until August 5, 2011 as a full-time landscape laborer. He gave a written resignation to Owner John Robson attached to his time sheet. Mr. Moyer had accepted a job with Culver Lawn and Landscaping which he stated had steadier work and was closer to home.

There is no record of any wages reported for the claimant from Culver's although Mr. Moyer stated his W-2 listed wages of \$9,625.60 before he was laid off November 25, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1-a 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. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant maintains he quit for another job. As there are no wages reported under his social security number except for Prolawn through the third quarter 2011, and he did not provide any W-2 form or check stubs for the appeal hearing, this cannot be verified.

DECISION:

The representative's decision of January 5, 2012, reference 03, is affirmed. Todd Moyer is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

If the claimant has proof of earnings from insured wages subsequent to his resignation from Prolawn on August 5, 2011, such proof should be immediately submitted to his local Workforce Center in order to be requalified.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs