

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SEAN STRICKLAND
Claimant

POLARIS INDUSTRIES INC
Employer

APPEAL 16A-UI-10387-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/27/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.25(20) – Compelling Personal Reasons Exceeding Ten Days

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 15, 2016, (reference 02) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit employment for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on October 14, 2016. The claimant, Sean Strickland, participated. The employer, Polaris Industries, Inc., participated through Brad Jones, human resources manager.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a painter, from April 13, 2015, until April 17, 2016, when he left his employment.

On or about April 17, 2016, claimant attended a court hearing in Missouri. During this hearing, claimant was found guilty of a crime and was sentenced to 120 days in jail. Claimant indicated he had the option to serve this jail time immediately or postpone the sentence pending the outcome of an appeal of the conviction. Claimant opted to serve the 120-day sentence immediately. Claimant testified Christian and Jones encouraged him to serve the sentence and put the matter behind him. Claimant spoke to Christian, his supervisor, and to Jones, and both men indicated claimant could come back after his sentence was complete. While claimant believed the employer was holding his job open for him, Jones testified that claimant would have been told he was welcome to reapply and not that he would automatically have a job waiting for him.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was without good cause attributable to the employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25 provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: ...

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Here, the employer has established that claimant quit his job in choosing to leave the state to serve a months-long jail sentence. Claimant has not provided any evidence showing that his decision to do this was attributable to the employer. While claimant may have spoken to the employer and received support for taking care of his personal matter, there is no evidence the employer required or instructed claimant to serve this sentence immediately.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant left the state to serve his jail sentence. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The September 15, 2016, (reference 02) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

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