

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MODESTO RODRIGUEZ MORENO**  
Claimant

**APPEAL NO: 19A-UI-02342-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAGEN INC**  
Employer

**OC: 05/20/18**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 14, 2019, reference 03, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 3, 2019. The claimant participated in the hearing with CTS Language Link Interpreter Cloudio (6347). Jessica Savoie, Human Resources Assistant, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time carpenter for Fagen Inc. from April 1, 1995 to February 26, 2019. He voluntarily left his employment by failing to finish the construction project he was assigned to work.

The claimant notified the employer he was experiencing car problems February 11, 12 and 13, 2019. Those days off were followed by a day of weather out due to snow. The claimant had two medical appointments and told the employer he would be absent for the first appointment but not the second and did not return to work. When the project manager did not hear from the claimant by February 26, 2019, he contacted him and the claimant stated he needed to go to Mexico and was not sure when he was coming back. The project manager understood that to mean he was voluntarily quitting his job. The last day the claimant worked was February 15, 2019. The project for which he was working ended March 18, 2019. The employer had continuing work available for the claimant.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant had car problems and notified the employer February 11, 2019. He was then absent for a medical appointment and told the employer but did not tell the employer he had a second appointment scheduled or provide a medical note stating he could not work between those appointments. After nearly one and one-half weeks passed with no contact from the claimant, the project manager called the claimant who stated he was going to Mexico and did not know when he would return. The employer did not layoff the claimant as the project did not conclude until March 18, 2019, and the employer did have continuing work available. The claimant chose to go to Mexico with no return date or even estimation of a date for the employer and did not ask for a leave of absence. Because the employer did not layoff the claimant it believed he voluntarily left his employment. Under these circumstances, the administrative law judge must conclude the claimant voluntarily left his employment by going to Mexico without requesting a leave of absence before the project was completed. His leaving was not attributable to the employer. Therefore, benefits must be denied.

**DECISION:**

The March 14, 2019, reference 03, decision is affirmed. The claimant voluntarily left his 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn