

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Website: eab.iowa.gov**

JOSE RUESGA

Claimant

and

CHANGE COURSE

Employer

: **APPEAL NUMBER:** 25B-UI-01490

: **ALJ HEARING NUMBER:** 25A-UI-01490

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: **EMPLOYMENT APPEAL BOARD
DECISION**

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NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**.

The Employment Appeal Board modifies the administrative law judge's Reasoning and Conclusions of Law to include the following:

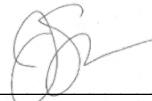
REASONING AND CONCLUSIONS OF LAW:

Prior to the administrative hearing, the Claimant sought subpoenas for the appearance and testimony of Joseph Johnson, Dani Mincks, Bradford Johnson, Karin Johnson, Mark Young, and Thomas Budler. Prior to the administrative hearing, the Claimant also requested a subpoena duces tecum for documents relating to the Employer's business operations. The Employer is a community re-entry program. The Claimant sought a complete list of all of the Employer's partnerships and the exact number of graduates that have been placed in employment upon graduation, "detailed data" regarding families the Employer claims to have raised out of poverty, and all documentation related to his employment.

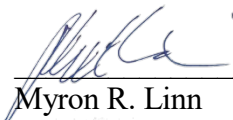
In response, the Employer filed a Combined Motion for Preliminary Determination of Admissibility of Evidence, Motion in Limine, and Motion to Quash. The Claimant resisted the Motion.

The administrative law judge addressed these procedural issues at the beginning of the hearing. The Employer brought four of the six witnesses to the in-person hearing. Thus, subpoenas for Joseph Johnson, Dani Mincks, Bradford Johnson, and Karin Johnson were unnecessary. The Claimant sought a subpoena for Mark Young because Young worked in the same position as the Claimant and could testify about the job duties and the Claimant brought concerns to Young post-employment. The Claimant sought a subpoena for Thomas Budler because he was the chair of the board who made a settlement offer to the Claimant and the Claimant raised concerns to him post-employment, but he did not respond. The administrative law judge denied the request for subpoenas for Young and Budler. This was appropriate given that other witnesses could provide testimony regarding the same information for which the Claimant sought Young and Budler's testimony. Further, much of the information about which the Claimant sought the witnesses to testify is not relevant to the issue of whether the Claimant voluntarily resigned and whether that resignation was for a good cause attributable to the Employer. The administrative law judge also denied the request for a subpoena duces tecum, noting that information regarding the Employer's general business operation was not relevant to the issue on appeal. Additionally, the Claimant could testify and cross-examine other witnesses who were present regarding the terms and conditions of his employment.

The Claimant sought to prove that he did not resign, but that he was unhappy with the Employer's unethical practices in fundraising and interactions with clients. The problem for the Claimant is that the evidence shows the Claimant resigned because of a dispute with a co-worker, and not because he felt the Employer was behaving unethically. In his resistance to the Employer's Motion in Limine, the Claimant states that he realized within a few weeks of his employment that the fundraising statements made by the Employer were false. Yet he continued his employment. No evidence indicates this was the reason his employment ended. The Claimant also sought information regarding an alleged sexual assault that occurred between two clients over a month prior to the Claimant's resignation. The Claimant disagrees with the way the Employer handled the situation. However, the Claimant did not resign at that time. The Claimant himself stated in his response to the Employer's Motion in Limine that he left employment on January 24, 2025, "because I had reached by daily full of the continual retaliation and childish exclusion that Dani Mincks was subjecting me to, actions which the CEO was aware of and elected to ignore." This was the reason for the separation. Any evidence beyond the issue of the reason for the Claimant's separation was correctly excluded.



James M. Strohman



Myron R. Linn



Ashley R. Koopmans