

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACK W SKINNER**  
Claimant

**APPEAL NO. 11A-UI-15757-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MATRIX METALS LLC**  
Employer

**OC:11/06/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated December 1, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 17, 2012. Claimant participated. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Jack Skinner.

**ISSUE:**

Whether the claimant voluntarily quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer manufactures high pressure valves. The claimant worked for the employer as a full-time welder. He started working for the employer in July 2007. His last day of work was June 30, 2011.

The claimant had been arrested for DUI. He was given the choice by the court system to serve a jail term or go to treatment for alcohol abuse and anger management. The claimant elected to go to the rehabilitation. He was absent for four months. He asked his employer for a leave of absence, which was declined. He was not eligible for Family Medical Leave Act (FMLA) leave because he was not referred by a physician. He returned to work on October 28, 2011. The employer did not have work available for him.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.25(20) 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.

The evidence in this case established that the claimant was absent from work for four months after he was arrested for DUI. He was given the choice of attending alcohol treatment and anger management classes or going to jail. The claimant elected to go through rehabilitation. This rehabilitation had nothing to do with failing an employer administered drug test. The employer was not in any way responsible for the claimant's predicament. The claimant's own actions led to this period of time that he needed to be away from the job.

The administrative law judge concludes that it was the claimant who initiated the separation of employment. He was arrested for DUI and as a result of that arrest he was rendered unable to work for a period of four months. The claimant was compelled to leave his employment to attend rehabilitation and that rehabilitation lasted more than ten days. Under these circumstances, the administrative law judge concludes that the claimant voluntarily left without good cause attributable to the employer. The claimant had compelling reasons for attending alcohol rehabilitation but the length of time he was gone exceeded ten days. Benefits are therefore denied.

**DECISION:**

The decision of the representative dated December 1, 2011, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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