

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT L SWEAZEY
Claimant

APPEAL NO. 09A-UI-00720-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMPLOYMENT CONNECTIONS INC
Employer

**OC: 12/07/08 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Scott Sweazey filed an appeal from a representative's decision dated January 8, 2009, reference 02, which denied benefits based upon his separation from Employment Connections, Inc. After due notice was issued, a hearing was held by telephone on February 12, 2009. Mr. Sweazey participated personally. The employer participated by Mr. Jim Kitterman, company owner.

ISSUE:

At issue in this matter is whether the claimant voluntarily quit employment with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant last worked for this employer on August 4, 2008. Mr. Sweazey was most recently assigned to work as a temporary employee at a Wal-Mart facility. The claimant voluntarily quit his employment by discontinuing to report for available employment for three or more consecutive workdays without providing notice to the employer. The claimant left the geographic area to move to the state of Missouri, where he hoped to secure employment. The employment that Mr. Sweazey anticipated did not materialize. Work continued to be available to Mr. Sweazey with Employment Connections at the time that he chose to discontinue to report for available work.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes good cause attributable to the employer for voluntarily quitting employment. It does not.

The evidence in the record establishes that Mr. Sweazey chose to quit his employment by discontinuing to report for available employment for three or more consecutive workdays without providing notification to the employer. The claimant chose to leave his employment with

Employment Connections, Inc., to move to a different state, where he hoped to secure better employment. The new employment did not materialize.

871 IAC 24.25(3) and (4) provide:

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:

- (3) The claimant left to seek other employment but did not secure employment.
- (4) The claimant was absent for three days without giving notice to employer in violation of company rule.

For the reasons stated herein, the administrative law judge concludes that the claimant left employment for reasons that were not attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated January 8, 2009, reference 02, is affirmed. The claimant voluntarily quit work for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefits amount, provided he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw