

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY B ECK
Claimant

APPEAL NO. 07A-UI-02694-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

S G CONSTRUCTION INC
Employer

**OC: 04/02/06 R: 04
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 8, 2007, reference 03, that concluded he voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on April 3, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Dan Massner participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a carpenter from May 2006 to July 12, 2006. He voluntarily quit his employment because he felt he was being left unsupervised by his foreman too often and did not have the necessary lead man ability to know what to do on the job. The employer had continuing work available for the claimant if he had not chosen to leave employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 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.

871 IAC 24.25(33) 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:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

The evidence fails to establish good cause attributable to the employer for leaving employment. The claimant felt he did not have the ability to work by himself, but the employer had not requested that he leave employment and had continuing work available for him if he had not chosen to quit his job.

DECISION:

The unemployment insurance decision dated March 8, 2007, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs