

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A WETZEL
Claimant

APPEAL NO. 14A-UI-00083-H2

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEST ASSET MANAGEMENT INC
Employer

OC: 12/08/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 31, 2013, (reference 01) unemployment insurance decision that denied benefits. After due notice was issued, an in-person hearing was held on February 3, 2014 at Des Moines, Iowa. Claimant participated. Employer did participate through Jeff Younker, Senior Director of Operations.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a recovery specialist beginning on May 3, 2010 through March 1, 2013 when he was voluntarily quit to pursue self-employment. The claimant worked as an independent contractor through the end of 2013. He has not earned any insured or covered wages with any other employer since he voluntarily quit West Asset Management, Inc.

When the claimant voluntarily quit, he was told that he would be eligible for rehire if he wanted to come back as an employee at some point in the future. The claimant was not guaranteed a rehire or a job at any time.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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(19) 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 § 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 § 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:

(19) The claimant left to enter self-employment.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The employer is not obligated to rehire any employee, even a formerly good employee such as the claimant. The employer's refusal to rehire is under these circumstances does not mean the claimant is entitled to unemployment insurance benefits. The claimant voluntarily quit to pursue self-employment. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The December 31, 2013, (reference 01) 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css