

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHNNY J GOMEZ
Claimant

APPEAL NO. 10A-UI-00832-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L.A. CARLSON CONTRACTING INC
Employer

OC: 11/29/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated January 7, 2010, reference 01, which denied unemployment insurance benefits based upon his separation from L.A. Carlson Contracting, Inc. After due notice, a telephone conference hearing was scheduled for and held on February 24, 2010. The claimant participated personally. The employer participated by Mr. Eric Carlson, Company Vice President.

ISSUE:

The issue is whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Johnny Gomez was employed by L.A. Carlson Contracting, Inc. from October 14, 2007 until October 14, 2009 when he voluntarily left employment. Mr. Gomez worked as a full-time truck driver and was paid by the hour.

Mr. Gomez left his employment to relocate to the state of Florida. Claimant's father had passed away and Mr. Gomez was divorcing and made a personal decision to relocate and leave his employment. Work continued to be available to Mr. Gomez at the time of leaving. Mr. Gomez supplied approximately two months' advanced notice to the employer of his intention to leave.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the claimant's reasons for leaving were attributable to the employer. They were not.

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.

In this case the claimant's reasons for leaving employment were personal in nature and were not attributable to the employer. Although Mr. Gomez may have had personal good cause reasons for leaving, they were not caused by the employer. Good cause for leaving within the meaning of the Employment Security Law has not been shown. Benefits are denied.

DECISION:

The representative's decision dated January 7, 2010, reference 01, is affirmed. The claimant voluntarily quit employment without good cause 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 benefit amount, providing that he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs