

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MICHAEL C SWARTOUT
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BETTENDORF IA 52722

IOWA ILLINOIS TERMITE &
PEST CONTROL INC
3909 MARQUETTE ST
DAVENPORT IA 52806

Appeal Number: 05A-UI-00165-SWT
OC: 11/28/04 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 20, 2004, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 20, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Guy Newberry participated in the hearing on behalf of the employer with witnesses, Jamie Bergeson and Teresa Porter.

FINDINGS OF FACT:

The claimant worked full time for the employer as a pest control technician in training from April 23 to July 28, 2004. After July 28, the claimant voluntarily quit employment because he was experiencing too much stress in his personal life. Although the claimant asserted that his hours were reduced, the employer did not reduce the claimant's scheduled hours. The claimant never complained that he was not receiving full-time hours.

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.

The evidence fails to establish that the claimant quit for reasons caused by the employer. He asserted that his hours were cut, but the evidence does not support his claim. The preponderance of the evidence shows that he quit for personal reasons not attributable to the employer.

DECISION:

The unemployment insurance decision dated December 20, 2004, reference 01, 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.

saw/b