

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENNON W CARR
Claimant

APPEAL NO: 10A-UI-02297-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEVENTH AVENUE INC
Employer

OC: 04/05/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(3) – Seek Other Employment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 3, 2010, reference 01, that held he voluntarily quit without good cause attributable to his employer on August 21, 2009, and benefits are denied. A telephone hearing was held on March 23, 2010. The claimant did not participate. Lynn Rankin, HR Assistant Manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a temporary, full-time receiving worker from June 9, 2008 to August 21, 2009. The claimant notified his employer he was quitting, because he found another job in construction.

The claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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(3) 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:

(3) The claimant left to seek other employment but did not secure employment.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer on August 21, 2009 to seek other employment that was not secured.

The claimant left his job to seek other employment, but the record does not establish he was able to secure another job.

DECISION:

The department decision dated February 3, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause on August 21, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css