

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG HAAN
Claimant

APPEAL NO. 07A-UI-08663-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EVENT MONEY INC
Employer

**OC: 08/12/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Craig Haan (claimant) appealed a representative's September 7, 2007 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he was discharged from work with Event Money (employer) for excessive unexcused absenteeism. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 25, 2007. The claimant participated personally. The employer participated by Mark Gillette, Chief Operating Officer.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 18, 2005, as a full-time automatic teller machine technician.

The claimant requested and was granted time off on July 25, 26 and 27, 2007, to attend the funeral of his best friend's father. The claimant left to work the Wisconsin State Fair on July 30, 2007. He was supposed to stay and work the fair through August 13, 2007. The claimant requested and was granted time off on August 8 and 9, 2007, to attend the funeral of his former girlfriend's son.

The claimant spent time at work complaining about his supervisor and his job. On August 9, 2007, the claimant returned to work for part of the day. The employer verbally counseled the claimant about his poor attitude. The claimant then drove back to the Wisconsin State Fair.

On August 10, 2007, the claimant requested a number of days off from beginning August 11, 2007, because his wife's cousin's baby died. The employer denied the request because it had no one to work the Fair for the claimant. The claimant became angry, swearing and raising his voice on the telephone. He knew that if he asked the owner for the time off, the owner would

have granted his request. Instead the claimant walked off the job and returned home. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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(23) 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:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

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 claimant's intention to voluntarily leave work was evidenced by his actions. He walked off the job and quit work. When an employee quits work due to family responsibilities or serious family needs, his leaving is without good cause attributable to the employer. The claimant left work because of family responsibilities and needs. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's September 7, 2007 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until

he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount provided he is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css