

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDALL LEONARD**  
Claimant

**APPEAL NO: 14A-UI-11220-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**A & M SERVICES INC**  
Employer

**OC: 10/20/13**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the October 27, 2014, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 18, 2014. The claimant did not respond to the hearing notice by providing a phone number where he could be reached at the date and time of the hearing as evidenced by the absence of his name and phone number on the Clear2There screen showing whether the parties have called in for the hearing as instructed by the hearing notice. The claimant did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Kala Berglund, Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a permanent part-time route driver for A & M Services from May 28, 2014 to October 27, 2014. He voluntarily left his employment because he did not want a permanent position.

The claimant chose September 18, 2014, as his last day of work because he did not want a permanent position but stated he would help the employer on holidays and in the summer. The employer needed a permanent part-time employee year round and left the claimant voice mail messages October 15 and 17, 2014, asking him to return at the same hours and wages. The claimant called the employer October 22, 2014, and stated he was not sure if he wanted to return to work and he would let the employer know October 27, 2014. He called the employer October 27, 2014, and declined to return to work.

The claimant has not received any benefits since his separation from this employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The employer had continuing work available for the claimant but he declined to continue working in his capacity as a permanent part-time route driver. He did not cite any reasons attributable to the employer for his leaving. Under these circumstances, the administrative law judge must conclude the claimant voluntarily left his employment without good cause attributable to the employer. Therefore, benefits must be denied.

**DECISION:**

The October 27, 2014, reference 02, decision is reversed. 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs