

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

WILLIAM L WILEY
35751 ROCKY KNOLL LOT #22
FOREST CITY IA 50436

WINNEBAGO INDUSTRIES
PO BOX 152
FOREST CITY IA 50436-0152

Appeal Number: 04A-UI-01718-BT
OC: 02/11/04 R: 02
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:

William Wiley (claimant) appealed an unemployment insurance decision dated February 11, 2004, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Winnebago Industries (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 9, 2004. The claimant participated in the hearing. The employer participated through Gary McCarthy, Personnel Supervisor.

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 employed as a full-time laborer from August 18, 2003 through September 30, 2003. Since his date of hire, the claimant had worked 15 days and missed 15 days of employment. He received two written warnings for attendance and was scheduled to return to work on September 30, 2003 after two days of suspension for attendance issues. He was advised he would be discharged if he had any additional unexcused absences. The claimant was not going to work on September 30, 2003 so he called in and quit instead of waiting to be fired. He was going to miss work that day due to illness and since he was treating with a physician for a lung infection, he could have simply provided a medical excuse to the employer in order to get the absence excused.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits.

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 claimant voluntarily quit on September 30, 2003. The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify him. Iowa Code Section 96.6-2. The claimant quit his employment because he believed he was going to be fired for attendance and was told he would. It would look better if he quit as opposed to getting fired. At the time the claimant called the employer and quit, he was not going to be fired. If he was going to miss that day due to illness, he could have provided a medical note to have it excused. The claimant has failed to establish he voluntarily quit his employment with good cause attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated February 11, 2004, 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.

sdb/kjf