

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD J SMITH
Claimant

APPEAL NO. 09A-UI-10624-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SDH SERVICES WEST LLC
Employer

OC: 06/14/09
Claimant: Respondent (4)

Iowa Code § 96.5(1) – Voluntary Leaving - Requalification

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 17, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on August 11, 2009. Claimant did not participate. Employer participated through Wayne Tudor.

ISSUE:

The issue is whether claimant quit the employment without good cause attributable to the employer and if so, whether he has requalified for benefits based upon this separation.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked full-time as a utility person and was separated on April 15, 2009. He never returned or communicated with employer after picking up his paycheck, cashing his check over the lunch hour but had not expressed concern about his employment before that. Sometime during the fourth quarter of 2008 the claimant requalified for benefits since the separation from SDH Services West LLC (account number 308416).

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 but has requalified for benefits.

Iowa Code § 96.5-1-g 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. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

Claimant abandoned his job without good cause attributable to the employer. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 308416) shall not be charged.

DECISION:

The July 17, 2009, reference 01, decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

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