

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

COREY L KUHNS
511 WALNUT ST APT 9
ATLANTIC IA 50022-1316

ADVANCE SERVICES INC
c/o TALX UCM SERVICES
PO BOX 66864
ST LOUIS MO 63166-6864

Appeal Number: 05A-UI-00429-HT
OC: 12/05/04 R: 01
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 – Quit

STATEMENT OF THE CASE:

The claimant, Corey Kuhns, filed an appeal from a decision dated January 11, 2005, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on January 27, 2005. The claimant participated on his own behalf. The employer, Advance Services, participated by Account Coordinator Mandy Henderson.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Corey Kuhns was employed by Advance Services

from June until August 25, 2004. His last assignment was at Glacier. He was tardy due to oversleeping on August 25, 2004, and was told by a supervisor to leave.

In the past Mr. Kuhns had contacted Advance Services for a new assignment but this time he elected not to because he wanted to find employment on his own. He stated he began working for a local farmer on August 30, 2004, helping to bring in the harvest for eight or ten weeks. However, the records of Iowa Workforce Development do not show any wages having been reported during the third and fourth quarters of 2004 by any employer except Advance Services.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

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 claimant quit in order to look for employment on his own, however, there is no evidence of any other employment to support Mr. Kuhns' testimony that he found other work. It cannot be determined if he requalified under the provisions of Iowa Code chapters 96.5-1-a or 96.5-1-g, and he is therefore disqualified.

DECISION:

The representative's decision of January 11, 2005, reference 03, is affirmed. Corey Kuhns is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

If the claimant has evidence of subsequent employment and earnings of insured wages, that documentation should be provided to his local Workforce Center in order to determine if he has requalified.

bgh/pjs