

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

KENNETH W WESTMORLAND
501 S 2ND
BELLEVUE IA 52031

BRAD DEERY MOTORS
PO BOX 1000
MAQUOKETA IA 52060-1000

Appeal Number: 04A-UI-02017-SWT
OC 01/25/04 R 04
Claimant: Appellant (5)

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:

The claimant appealed an unemployment insurance decision dated February 18, 2004, reference 01, that concluded the claimant was discharged for work-connected misconduct. A telephone hearing was held on March 15, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Larry McCutcheon participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked full time for the employer as an auto detailer from September 11, 2003 to January 12, 2004. The claimant was informed and understood that under the employer's work rules, he was required to have a valid driver's license as a condition of his employment.

The claimant driver's license was revoked due to traffic citations and failure to maintain insurance. The claimant's supervisor allowed the claimant a couple of days off starting January 13, 2004, to get his license back. When the claimant had not returned to work as of January 19, 2004, his supervisor was trying to get in touch with him. He did not have a valid telephone number for the claimant so he called the claimant's landlord and left a message. The message was the claimant needed to get in touch with the supervisor or he would be fired. When the claimant got the message, he understood from what the landlord said that he had been fired. He therefore never contacted the employer again about his job. The claimant still does not have a valid driver's license.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a. The claimant was not discharged by the employer and could not reasonably rely on something said by his landlord. He abandoned his job when he failed to report to work or contact the employer after January 19, 2003. He voluntarily quit employment without good cause attributable to the employer. Even if the separation from employment were treated as a discharge, the claimant's discharge would be for work-connected misconduct because the claimant violated the employer's work rules which required him to have a driver's license for his job.

DECISION:

The unemployment insurance decision dated February 18, 2004, reference 01, is modified with no change in the outcome of this case. The claimant voluntarily quit employment without good cause attributable to the employer and is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/b