

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DALE GODBERSEN
Claimant

APPEAL NO: 09A-UI-00647-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST INDUSTRIES INC
Employer

**OC: 12/14/08 R: 01
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Dale Godbersen (claimant) appealed an unemployment insurance decision dated January 12, 2009, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Midwest Industries, Inc. (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 January 30, 2009. The claimant participated in the hearing. The employer participated through Jeff Ogren, Human Resources Manager and Valerie Krager, Payroll and Benefits. Employer's Exhibit One was admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntarily separation from employment qualifies him to receive unemployment insurance benefits.

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 employee performing various job duties from August 15, 1988 through May 2, 2008 when he quit. He quit to "better" himself both financially and in the workforce. He was upset that he was moved out of research and development in March 2001 and his pay was decreased by \$4.00 at that time. His job was stressful since 2001 and he also has heart problems for which he had surgery in 2006. The claimant also quit to go into business for himself. He opened an ice cream stand in order to help his daughter get through college. The claimant was a valued employee and continuing work was available at the time he left.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment

insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant submitted a written resignation on April 22, 2008 with an effective date of May 2, 2008. He testified he voluntarily quit to better himself but the facts show he quit due to dissatisfaction with his job and to enter self-employment. The law presumes it is a quit without good cause attributable to the employer when an employee leaves to enter self-employment or because of dissatisfaction with the work environment. 871 IAC 24.25(18) and (21). The claimant's job changed in 2001 and this is the most significant reason he was dissatisfied. The court held that a claimant's resignation seven months after a substantial change in the contract of hire was a disqualifiable event because the claimant was held to have acquiesced in the changes. Olson v. Employment Appeal Board, 460 N.W.2d 865 (Iowa App. 1990).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated January 12, 2009, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs