

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL FAWCETT**  
Claimant

**APPEAL NO: 08A-UI-09992-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PELLA CORPORATION**  
Employer

**OC: 10/05/08 R: 03  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Michael Fawcett (claimant) appealed an unemployment insurance decision dated October 24, 2008, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Pella Corporation (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 November 12, 2008. The claimant participated in the hearing. The employer participated through Stephanie Weaver, Human Resources Business Partner and Arvin Van Zante, IT Manager. 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 voluntary 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 hired full-time on September 24, 2001 and was most recently working as a technical analyst when he voluntarily quit on May 2, 2008. He quit to "expand my business Hometown Computer Services." The claimant's appeal letter stated that it was not an easy decision to make since his experience with the employer has been very rewarding and he enjoyed working there. The claimant testified in the hearing that he quit for self-employment but also because he had hypertension that he attributed to his employment. His hypertension began in 2003 which was the same time he started his own business. The claimant confirmed that if he did not have his own business, he would not have quit his employment. He also admitted at the hearing that things are slow in his business and he needs supplemental income while he looks for another job.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 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(19) 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 § 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 § 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:

(19) The claimant left to enter self-employment.

The claimant quit his job to devote time and energy to his own company. While working in a corporate environment may have been stressful, it was not the major reason he quit since he admitted he would not have quit if he did not have his own business. 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 October 24, 2008, 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.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs