

**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**

**GEORGE KING  
410 S NIAGARA  
MAQUOKETA IA 52060**

**FAMILY DOLLAR SERVICES INC  
c/o TALX UCM SERVICES INC  
PO BOX 283  
ST LOUIS MO 63166-0283**

**Appeal Number: 04A-UI-11110-DWT  
OC: 09/12/04 R: 04  
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, 4<sup>th</sup> 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

George King (claimant) appealed a representative's September 29, 2004 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Family Dollar Services, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 4, 2004. The claimant responded to the hearing notice. The phone number the claimant provided constantly rang busy so the claimant was not connected to the hearing. The claimant did not contact the Appeals Section to participate in the hearing on November 4 or 5. Tarryn Barrett, the area human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on June 9, 2003. The employer hired the claimant to work as a full-time forklift operator.

During his employment, the claimant had a number of accidents while operating a forklift. On February 17, 2004, the employer gave the claimant a final written warning for having two Class III accidents. A Class III accident is an accident that results in damage or injury. On September 2, 2004, the claimant had another Class III accident. Pursuant to the employer's policy, the employer could have discharged the claimant for the number of Class III accidents he had been involved in. Instead, the employer offered the claimant another job during the same shift he worked and at the same salary. The job the employer offered the claimant did not involve any forklift work.

After the employer offered the claimant another job, the claimant walked off the job on September 13. The claimant did not return to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. The claimant voluntarily quit his employment when he walked off the job on September 13 and did not return. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code 96.6-2.

The evidence does not establish why the claimant quit because the claimant did not participate in the hearing. The claimant may have had compelling reasons for quitting. For unemployment insurance purposes, the claimant did not establish that he quit for reasons that qualify him to receive unemployment insurance benefits. As of September 12, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 29, 2004 decision (reference 01) is affirmed. The claimant voluntarily quit his employment. The claimant did not establish that he quit for reasons that qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 12, 2004. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/tjc