

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SCOTT L EHNES**  
Claimant

**APPEAL NO. 08A-UI-04581-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAGEN INC**  
Employer

**OC: 04/06/08 R: 03  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Scott Ehnes, filed an appeal from a decision dated May 5, 2008, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 28, 2008. The claimant participated on his own behalf. The employer, Fagen, Inc., did not provide a telephone number where he could be contacted and did not participate.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Scott Ehnes was employed by Fagen Construction from October 2007 until March 8, 2008, as a full-time pipe fitter. The claimant maintains General Foreman Larry came up to him on that date and told him if he “did not like it,” he could “get his tools and leave.” The claimant did not reply that he had no problems with the work and “liked it,” but instead took his tools and left.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The claimant maintains he was fired, but the record does not support this. He was given the choice to stay or leave and he chose to leave. This is a voluntary quit and the claimant has not established good cause attributable to the employer. He is disqualified.

**DECISION:**

The representative's decision of May 5, 2008, reference 01, is affirmed. Scott Ehnes is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw