

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SANELA BEGIC**  
Claimant

**APPEAL NO: 12A-UI-14047-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXCEPTIONAL PERSONS INC**  
Employer

**OC: 10/28/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)(a) - Discharge for Misconduct  
Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Sanela Begic (claimant) appealed an unemployment insurance decision dated November 19, 2012, reference 01, which held that she was not eligible for unemployment insurance benefits because she was discharged from Exceptional Persons, Inc. (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 3, 2013. The claimant participated in the hearing. The employer participated through Chris Foreman, Human Resources Generalist. 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 was discharged for misconduct sufficient to warrant a denial of unemployment benefits or whether her voluntary separation from employment qualifies her 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 direct support professional from February 11, 2010 through October 26, 2012 when she voluntarily quit her employment. She was no longer able to perform her job duties because her driver's license was suspended due to violation of a restricted license. The employer was going to discharge the claimant but she opted to quit instead so that she could be rehired after her license was reinstated.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer or if the employer discharged her for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a.

The claimant quit her employment on October 26, 2012 so she could leave on good terms. It is her burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant was not able to perform her job duties due to her own actions. She failed to meet that burden.

In the alternative, the claimant's separation could also be considered work-related misconduct. The employer has the burden to prove the discharged employee is disqualified for benefits for misconduct. *Sallis v. Employment Appeal Bd.*, 437 N.W.2d 895, 896 (Iowa 1989). The claimant's separation was due to the fact that her driver's license was suspended, which was a condition of employment.

Where an individual's driving restrictions have been self-inflicted and the individual had reason to know that her driving record was putting her job in jeopardy, the loss of ability to drive can be found to be intentional, and therefore disqualifying misconduct. *Cook v. Iowa Department of Job Service*, 299 N.W.2d 698 (Iowa 1980). The employer has met its burden. Work-connected misconduct as defined by the unemployment insurance law has also been established in this case and benefits are denied.

**DECISION:**

The unemployment insurance decision dated November 19, 2012, reference 01, is affirmed. The claimant's separation from employment was disqualifying. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs