

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

GARY S SINTON
366 S CAESAR AVE
FRESNO CA 93727

CURLY'S FOODS
c/o KATHY PETERSON
PO BOX 2457
SIOUX CITY IA 51106

Appeal Number: 04A-UI-12497-CT
OC: 10/31/04 R: 12
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, 4th 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 is 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Gary Sinton filed an appeal from a representative's decision dated November 17, 2004, reference 02, which denied benefits based on his separation from Curly's Foods. After due notice was issued, a hearing was held by telephone on December 14, 2004. Mr. Sinton participated personally. The employer notified the administrative law judge on December 13, 2004 that its witness would be unable to participate.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Sinton was employed by Curly's Foods from July 30,

2001 until October 1, 2004 as a full-time production worker. He quit the employment because he and his wife are fearful of driving in Iowa's winter weather conditions. Mr. Sinton has failing vision, which he attributes to his age. He was involved in car accidents in the winter of 2002 and the winter of 2003. Mr. Sinton was happy with his job and, had it not been for winter weather conditions, he would have remained in the employment. He and his wife relocated to California in October of 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Sinton was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The term "good cause attributable to the employer" generally refers to some matter over which the employer has control. In the case at hand, Mr. Sinton quit his job because neither he nor his wife likes driving in winter weather. This was not a matter over which Curly's Foods had any control. Although he may have had good personal cause for quitting, it was not due to any matter within the control of his employer. As such, his leaving was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated November 17, 2004, reference 02, is hereby affirmed. Mr. Sinton voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/smc