

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN D O'NEAL
Claimant

APPEAL NO. 06A-UI-11780-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BOSSELMAN TRAVEL CENTER
Employer

OC: 11/12/06 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Kevin D. O'Neal filed a timely appeal from an unemployment insurance decision dated December 4, 2006, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held December 20, 2006 with General Manager Randy Atis participating for the employer. Mr. O'Neal's hearing notice was returned by the U. S. Postal Service as undeliverable. The administrative law judge attempted to contact Mr. O'Neal at the telephone number he had initially provided to the Agency when he filed his claim for benefits in November 2006. The person answering the phone stated that no one by that name was at that number.

ISSUE:

Did the claimant leave work voluntarily with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Kevin D. O'Neal was employed by Grandma Max's restaurant for approximately two and one-half years until October 13, 2006. He last worked full-time as kitchen supervisor and cook.

Mr. O'Neal picked up his check on October 13, 2006, saying that he would be back later for his shift. He never returned. Sometime later Mr. O'Neal spoke to restaurant General Manager Randy Atis. He told Mr. Atis that he had entered rehabilitation. Mr. Atis has not heard from Mr. O'Neal since then.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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 evidence in this record is that Mr. O'Neal left employment for medical reasons. There is no evidence in the record indicating that his medical condition was caused or aggravated by working conditions. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated December 4, 2006, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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