

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ADAM E ZALAZNIK
Claimant

HY-VEE INC
Employer

APPEAL NO. 15A-UI-12502-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/08/15
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 5, 2015, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 2, 2015. Claimant participated. Employer participated by hearing representative James Tranfaglia, with witnesses Jackie Kuennen and Dan King. Employer's Exhibits 1-3 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 28, 2015. Claimant did not show up for work on April 29, 2015 or May 5-7, 2015. Claimant did not notify employer of his intention to quit work, but stopped coming to work such that he could focus on starting his own business venture. There was ongoing work available for claimant with employer.

Claimant has been self-employed since his date of stopping his employment with employer. Claimant has not received any wages since quitting his previous job working for employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(19) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(19) The claimant left to enter self-employment.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because claimant wanted to start his own business in hopes of making more money than he had made working for employer. Claimant's quit to become self-employed renders claimant ineligible for unemployment benefits.

DECISION:

The decision of the representative dated November 5, 2015, reference 04, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css