

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CARLOS BONILLA
Claimant

HY-VEE INC
Employer

APPEAL NO. 17A-UI-06188-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/16/17
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 June 9, 2017, reference 05, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 30, 2017. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

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 May 8, 2017. After that date claimant left town for a few days to attend a family funeral. When claimant returned to town, he'd been evicted from his apartment and had no place to stay. Claimant quit his job on May 12, 2017 as he had no place to reside. Claimant enjoyed working for employer and wanted to continue work but had no place to stay.

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.

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 he had no place to stay after being evicted from his residence.

While the administrative law judge has great understanding of the claimant's situation, rulings in this matter must be based upon the laws of the State of Iowa. Claimant's quit was based solely on claimant's particularized circumstances and not "for good cause *attributable to employer*." (Italics added for emphasis). As employer did nothing to bring about claimant's quit, claimant is not eligible to receive unemployment benefits following said quit.

DECISION:

The decision of the representative dated June 9, 2017, reference 05, 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/scn