

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

WILLIE L HALL

Claimant,

and

CHARLES DRAKE & ASSOCIATES

Employer.

:
:
:
:
:
:
:
:
:
:

HEARING NUMBER: 11B-UI-06339DC

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 96.5-1-D, 96.4-3

D E C I S I O N

This matter comes before the Board on a limited remand from the District Court. The Court's ordered the Board to "clarify the burden of proof utilized in the agency's decision." Order for Limited Remand.

Throughout its consideration of this matter the Board has applied the standard burden of proof, as set out in Iowa Code §96.6(2). Generally, the employer has the burden of proving disqualification under Iowa Code §96.5, and a claimant has the burden of proving eligibility under Iowa Code §96.4.

The Employer's burden of proving disqualification in discharge cases means that the Employer must prove misconduct. The Employer's burden in quit cases means that the Employer bears the initial burden of proving by a preponderance that a quit has taken place. This the Employer has done in this matter. In our prior decision we concluded that the Employer carried the burden of proving that a quit took place, which is a conclusion we still believe to be correct.

Once a quit is proven by an employer "the claimant ... has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection1, paragraphs 'a' through 'h.'" Iowa Code §96.6(2). Since we agreed with the Administrative Law Judge's conclusion that the Claimant did not meet his burden under Iowa Code §96.6(2) we disqualified the Claimant. We still believe this to be the correct decision.

In sum: The burden we applied was that the Employer had to prove that a quit took place, and only then does the Claimant bear a burden of proving good cause for the quit, or the application of one of the exceptions in paragraphs "a" through "h." The Claimant, of course, also has the burden of proving his

eligibility under Iowa Code §96.4. The Employer carried its burden on the existence of a quit, but the Claimant did not carry his burden on good cause, or the exceptions in “a” through “h.” On eligibility the Claimant proved he was eligible, but only after November 23, 2009 as noted in our prior decision.

John A. Peno

Monique F. Kuester

Elizabeth L. Seiser

RRA/fnv