

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOHN T DODGE

Claimant

QPS EMPLOYMENT GROUP INC

Employer

APPEAL NO. 18A-UI-06732-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/20/18

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 15, 2018, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 6, 2018. Claimant participated. Employer participated by hearing representative Jennifer Young and witness Jessica Rocheford. 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 3, 2018. On April 11, claimant wrote a text to employer explaining that he'd just gotten out of surgery for a medical condition that was not work-related. Claimant told employer, "I don't want to hold anybody up at All State so feel free to move ahead without me. I don't want to cause you or them any problems.!!" Claimant had no further contact with employer after this text.

Employer stated that they interpreted claimant's text to be a voluntary quit, and that interpretation was supported by claimant's lack of contact with employer after the April 11, 2018 text. Claimant said he did look at employer's website to see if they had any available jobs that would work for claimant and did not find anything that fit under his six weeks of recovery following his surgery.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 voluntarily quit his employment with employer, as a result of his illness and surgery. Claimant told employer it was okay for them to move on, and never had contact with employer subsequent to this statement. This is a quit. No matter what claimant states he had intended, his words constituted a quit and his lack of pursuing a job after surgery solidified the quit.

DECISION:

The decision of the representative dated June 15, 2018, reference 03, 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