

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID D BOETTCHER**  
Claimant

**APPEAL NO. 09A-UI-06154-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BARAN TELECOM INC**  
Employer

**Original Claim: 03/15/09  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

David Boettcher filed an appeal from a representative's decision dated April 3, 2009, reference 01, which denied benefits based on his separation from Baran Telecom, Inc. After due notice was issued, a hearing was held by telephone on May 18, 2009. Mr. Boettcher participated personally. The employer did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Mr. Boettcher was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Boettcher was employed by Baran Telecom, Inc. from October 13, 2008 until January 19, 2009. He was last employed full time as a foreman. The employer's business consists of building cell phone towers. He understood at the time of hire that the work involved travelling to other states for extended periods of time. He was told he would be able to come home approximately every six weeks.

Mr. Boettcher was home for the Thanksgiving holiday. He made a request to go home after that but was told he needed to wait until the building rush was over. His family wanted him home more frequently and, therefore, he quit the employment on January 19, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Boettcher quit because the travel required by his job prevented him from spending as much time with his family as he desired. An individual who quits employment due to family needs or responsibilities is presumed to have left employment without good cause attributable to the employer. 871 IAC 24.25(23).

Mr. Boettcher contended that his separation was attributable to the employer in that the employer did not honor its commitment to have him home every six weeks. He was home for Thanksgiving, approximately six weeks after he started the job. He worked only seven weeks after the Thanksgiving holiday. The employer's failure to have him home in precise, six-week intervals was not so substantial a deviation from what Mr. Boettcher was led to expect as to constitute good cause attributable to the employer for quitting. For the reasons cited herein, it is concluded that he did not have good cause attributable to the employer for quitting. As such, benefits are denied.

**DECISION:**

The representative's decision dated April 3, 2009, reference 01, is hereby affirmed. Mr. Boettcher quit his employment without good cause attributable to the employer. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw