

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANGELO G GENSMER
Claimant

BARR-NUNN TRANSPORTATION INC
Employer

APPEAL NO. 17A-UI-07397-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/02/17
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 July 20, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 8, 2017. Claimant participated. Employer participated by Wendy Noring. Employer's Exhibit 1 was 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 June 26, 2017. Claimant was placed on leave at that time as he was medically unable to continue with his job as a truck driver. As claimant was without income, he was in need of money. Claimant voluntarily quit his employment on July 17, 2017 such that he could access monies that he had in his 401k account.

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 needed to access his 401k monies in his retirement account. Said action is certainly understandable, but Iowa Law dictates that in order for a

person who voluntarily quits his employment to be eligible for unemployment benefits, said person must have quit *for good cause attributable to employer*. (Italics added for emphasis). In this matter, claimants quit was directly attributable to his need to access money as his being placed on leave meant that he did not have money for bills. This is not attributable to employer.

DECISION:

The decision of the representative dated July 20, 2017, reference 01, 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