IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

SWEN R DAVIS
Claimant

ISLE OF CAPRI BETTENDORF LC
Employer

APPEAL NO. 20A-UI-01189-B2T

ADMINISTRATIVE LAW JUDGE DECISION

OC: 01/12/20
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 February 3, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 25, 2020. Claimant participated. Employer participated by Darla Erichson. Claimant's Exhibit A 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 October 7, 2019. Claimant voluntarily quit his job on October 9, 2019 when he determined that he did not wish to be considered for any other available job with employer after he'd lost his license to work as a security guard.

Claimant worked as a full time security guard for employer. On August 19, 2019, while claimant was manning the entrance, a 17-year-old was allowed entrance to the casino floor as his mother distracted claimant. This was claimant's second time in the last month when he'd allowed a minor entrance into the casino.

The Iowa Racing and Gaming Commission conducted an investigation and determined that claimant could no longer work as a security guard. Claimant was also given a five day suspension. Before claimant received the document from the Iowa Racing and Gaming Commission, he was called into employer's office. Employer had knowledge of claimant's inability to serve as a security officer, and offered claimant other positions that were available working for employer.

Claimant decided that he no longer wanted to make the commute across the Mississippi River, and instead wanted to look for employment in Illinois. Claimant declined to explore the possibility for any other employment with employer and quit.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 no longer wanted the commute across the river and was tired of working for employer. At the time, ongoing employment was available to claimant, even though claimant could no longer work as a security officer as he'd lost his license.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.,* 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.,* 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Good cause was not shown in this matter. Claimant is not eligible to receive unemployment benefits.

DECISION:

The decision of the representative dated February 3, 2020, 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.

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Blair A. Bennett
Administrative Law Judge

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Decision Dated and Mailed

bab/scn