

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT J NEWTON**  
Claimant

**APPEAL NO. 11A-UI-02340-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NASH FINCH CO**  
Employer

**OC: 01/02/11  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's February 23, 2011 determination (reference 02) that disqualified him from receiving benefits and held the employer's account exempt from charge. The claimant participated in the hearing. Before the hearing, the employer contacted the Appeals Section to state the employer did not contest the claimant's receipt of benefits and would not be participating the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is not quailed to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant worked for the employer from September 1990 through March 10, 2010. Since 1997, the claimant worked as the frozen food manager. The claimant decided to leave this job to fulfill his lifelong dream of hiking the Appalachian Trail. The claimant left this employment on good terms.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1)a. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6(2).

The claimant established compelling personal reasons for quitting. For unemployment insurance purpose, however, he quit for reasons that do not qualify him to receive benefits. Therefore, as of March 10, 2010, the claimant is not qualified to receive benefits.

Even though the employer did not protest the claimant's receipt of benefits, an employer does not decide if a person is qualified to receive benefits, the unemployment insurance laws dictate

whether a claimant is qualified or not. The record shows the claimant worked for another employer after March 10, 2010, but before he established a claim for benefits. The wages reported from the second employer indicate the claimant earned gross wages of \$2,295.00.

After the claimant established his claim during the week of January 2, 2011, the Department determined he was monetarily eligible to receive maximum weekly benefits of \$285.00. If the claimant earns an additional \$555.00 in wages before the end of his benefit year, he would requalify to receive benefits and could draw unemployment insurance benefits if he meets all other eligibility requirements.

**DECISION:**

The representative's February 23, 2011 determination (reference 02) is affirmed. Even though the employer did not contest the claimant's receipt of benefits, the claimant voluntarily quit his employment for compelling personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 2, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw