

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROGER E SCHOOLING**  
Claimant

**APPEAL NO. 07A-UI-01631-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**METZ BAKING CO**  
Employer

**OC: 01/14/07 R: 01  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Robert Schooling, filed an appeal from a decision dated February 7, 2007, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 19, 2007. The claimant participated on his own behalf. The employer, Metz Baking, participated by Human Resources Generalist Marissa Pepper. Exhibit One was admitted into the record.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Roger Schooling was employed by Metz Baking from July 3, 2000 until September 8, 2006, as a full-time route sales representative. He had suffered a work-related injury for which he received worker's compensation and was on light duty for a period of time. His doctor released him to return to work without restrictions on September 7, 2006, but he did not return to work. Instead he notified Human Resources Generalist Marissa Pepper on September 9, 2006, that he was quitting, indicating he did not think he was going to be able to do the work even with the doctor's release, and stating he had been offered another job.

The claimant had been offered another job but did not qualify for it and did not go to work for the other company.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

871 IAC 24.25(3) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(3) The claimant left to seek other employment but did not secure employment.

The claimant quit because he did not think he would be able to do the work even though his doctor released him without restrictions. He did not discuss his concerns with the human resources department, nor did he provide any documentation from his physician modifying his work duties. He also expressed doubt that he would be able to handle the added two stops on his route but again did not discuss this with anyone in human resources or his doctor. He stated he did not like the fact no one would meet with him but he never requested any meetings with anyone to discuss his concerns.

The claimant quit because he did not want to continue working for this employer and believed he had another job he could accept. However, that job did not materialize. The record establishes the claimant did not have good cause attributable to the employer for quitting and he is disqualified.

**DECISION:**

The representative's decision of February 7, 2007, reference 01, is affirmed. Roger Schooling is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css