

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

CRAIG A HOLTZ  
1282 HWY 13  
STRAWBERRY POINT IA 52076

THOMAS V MCGRAW  
MIDWEST INDEPENDENT SOIL  
SAMPLERS  
52520 COUNTY RD 11  
BUFFALO LAKE MN 55314

Appeal Number: 0A-UI-08789-HT  
OC: 01/11/04 R: 04  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The claimant, Craig Holtz, filed an appeal from a decision dated August 10, 2004, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on September 8, 2004. The claimant participated on his own behalf. The employer, Midwest Independent Soil Samplers (Midwest), participated by Sales Manager Chris Nelson.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Craig Holtz was employed by Midwest from July 2003 until July 22, 2004. He was a full-time seasonal field technician.

Mr. Holtz was off work for a period of time in June 2004 because of a broken foot. When he was released to return to work by his doctor he notified Sales Manager Chris Nelson. However, there was not much work available and since the claimant had mentioned he was looking for another job, Mr. Nelson assigned what work there was to other technicians. He filed an additional claim with an effective date of July 11, 2004, and filed two weekly claims ending July 24, 2004.

On July 22, 2004, Mr. Holtz notified Mr. Nelson he had accepted another job which was to begin on July 26, 2004, and he was quitting. The claimant did accept the new job and is currently employed there.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

Iowa Code Section 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

The claimant's employment did not end on July 12, 2004, but that was the day he was able to return to work by his physician, and no work was available to him. Under the provisions of the above Code section, he is qualified for benefits for the two-week period ending July 24, 2004.

However, the claimant quit work without good cause attributable to the employer on July 22, 2004, because he had other employment. The employer would not be chargeable with benefits paid after that date.

DECISION:

The representative's decision of August 10, 2004, reference 01, is modified in favor of the appellant. Chris Holtz is qualified for benefits for the two-week period ending July 24, 2004, provided he is otherwise eligible. However, the employer would not be chargeable with benefits paid to the claimant after he quit effective July 22, 2004.

bgh/kjf