

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JAMES T JOHNSON
Claimant

UNITED PARCEL SERVICE
Employer

APPEAL 14A-UI-11855-LT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/31/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 12, 2014 (reference 04) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on January 12, 2015. Claimant participated. Employer participated through driver supervisor Terry Burrell; business manager Simon Nelson; and human resource supervisor Andy Miller.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was hired as a part-time package handler (“free-loader”) and part-time driver at \$11.50 per hour on the 4:00 a.m. to 8:00 a.m. shift until he quit on September 11, 2014. He had the opportunity to attempt to pass full-time driver testing, which would pay \$16.00 per hour on the 8:00 a.m. to 5:00 p.m. shift. He drove with Burrell twice and was tested on safety information, which he did not recall to the employer’s standard. Burrell told him to memorize them and he could try again. The following week the claimant called and told Burrell that he had family issues and the shift he was currently working, and the full-time driver position shift, would not “fit.” There was continued work available as a package handler and Burrell offered him three different shifts, which claimant declined. He did not obtain other employment with the temporary agency until after he quit. He has not re-qualified for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant’s separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(3), (13), (18), (23), and (27) 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 § 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 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.
- (13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.
- (18) The claimant left because of a dislike of the shift worked.
- (23) The claimant left voluntarily due to family responsibilities or serious family needs.
- (27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). There was no change in the terms of hire and while claimant's leaving the employment may have been based upon good personal reasons, it was not for any good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The November 12, 2014 (reference 04) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/can