

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE MILLER
Claimant

APPEAL NO: 15A-UI-02403-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMERON MITCHELL INC
Employer

OC: 02/01/15
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 18, 2015, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 21, 2015. The claimant participated in the hearing. Jerry Mitchell, Vice-President, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time scheduling foreman for Cameron Mitchell Inc. from February 1, 2010 to February 2, 2015. He voluntarily left his employment to pursue other work opportunities.

On February 2, 2015, the claimant went to the employer and stated he was leaving his employment to pursue other interests with other employees. Some of the employees were on a seasonal layoff but the claimant was not facing a layoff. The employer asked the claimant how long he would be staying and the claimant indicated he would stay as long as the employer needed him. President Dan Cameron and Vice-President Jerry Mitchell discussed the situation after the claimant left the office and determined that because it was winter and they were experiencing a seasonal slowdown they would let the claimant know he could leave at the end of the day.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant maintains he was laid off due to a lack of work, the employer had no intention of laying him off. The sole reason the claimant is no longer working for the employer is because he approached the employer and stated he was leaving to pursue other employment opportunities and was starting his own business. Although the employer may have used the words "laid off due to a lack of work" when telling the claimant he did not have to work past February 2, 2015, the claimant initiated the separation and the "layoff" comment was merely to let the claimant know he did not have to remain or give a two-week notice because the employer was slow.

The claimant left his employment to start his own business. The employer had continuing work available for him and had no plans to lay him off during the seasonal slowdown. Under these circumstances, the administrative law judge concludes the claimant voluntarily left his employment to start his own business and his leaving was not caused by the employer. Therefore, benefits are denied.

DECISION:

The February 18, 2015, reference 01, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs

